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NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK



BLM HANDBOOK H-1790-1

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INTRODUCTION

The purpose of this Handbook is to provide instructions for complying with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (516 DM 1-7). This Handbook is intended for use by Bureau of Land Management (BLM) officials responsible for oversight of and compliance with the National Environmental Policy Act (NEPA) within their program area and the BLM personnel responsible for preparing NEPA documents.

The objectives of this Handbook are: to establish systematic practices for integrating the procedural requirements of NEPA into the planning and decisionmaking processes used by the BLM; to ensure a logical and coherent record of NEPA compliance within the BLM; and to promote efficiency in the preparation and documentation of NEPA documents by reducing delays and eliminating unnecessary paperwork.

Statutes, regulations and other guidance documents pertaining to NEPA are listed in Appendix 1.

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CHAPTER I - SCREENING FOR NEPA COMPLIANCE

A. General. All internally or externally proposed actions on or affecting public lands or resources under BLM jurisdiction must be reviewed for NEPA compliance. The first step in the NEPA process is to screen the proposed action in order to determine the appropriate response for ensuring NEPA compliance. Proposed actions fall into one of five categories: (1) actions which are exempt from NEPA; (2) actions which are categorically excluded; (3) actions which are covered by an existing NEPA environmental document; (4) actions which require preparation of an environmental assessment (EA) to determine if an environmental impact statement (EIS) is needed; or (5) actions which require preparation of an EIS. The NEPA procedural and documentation requirements are different for each category. Each category is briefly defined below. A flow chart depicting the screening process is shown in Illustration 1.

B. Actions Which Are Exempt From NEPA. There are three major types of actions which are exempt from NEPA procedural or documentation requirements:

1. Congressionally Exempt Actions. Some actions are Congressionally exempt from NEPA compliance. Such actions are listed in Appendix 2.

2. Emergency Actions. Certain emergency circumstances which require immediate action, though they may have significant environmental impacts, are exempt from CEQ's regulatory provisions for implementing NEPA (40 CFR 1506.11). In the event of such an emergency, agencies must consult with CEQ. Guidance on such consultation is discussed in 516 DM 5.8.

3. Rejections of Proposed Actions. A proposed action may be rejected under another statutory or regulatory authority without NEPA review. For example, a proposed action may be rejected on the basis that it is not within the BLM's authority to approve or is not in conformance with the applicable land use plan and is judged not to warrant further consideration.

C. Actions Which Are Categorically Excluded. Actions that are included on the list of categorical exclusions (516 DM 2, Appendix 1 and 516 DM 6, Appendix 5) and that are found through review not to meet any of the ten exceptions to categorical exclusion (516 DM 2, Appendix 2) do not need to be addressed in an EA or EIS (see Chapter II).

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Chapter I - Screening for NEPA Compliance

D. Actions Which Are Covered by an Existing EA or EIS. Actions which are covered, at least to some extent, in an existing EA or EIS prepared by the BLM or another agency may not have to be analyzed in a completely new environmental document.

Relevant existing EA's and EIS's should be reviewed to determine if the proposed action is already fully covered. If an existing EA or EIS, either prepared by the BLM or prepared by another agency with the BLM as a cooperating agency (40 CFR 1506.3(c)), fully covers the proposed action, then a decision on the action may be made without any further NEPA analysis. If an existing EA or EIS prepared by another agency without the BLM as a cooperating agency fully covers the proposed action, then it is necessary for the BLM to adopt the document before proceeding on the action (40 CFR 1506.3). If an existing document does not fully cover the proposed action, then a new NEPA document must be prepared. In such cases, it is often possible and efficient for the new EA or EIS to supplement (40 CFR 1502.9(c)) or be tiered to (40 CFR 1502.20) the existing NEPA document.

In the BLM, the existence of previously prepared environmental documents, which are related to the proposed action, is the norm rather than the exception. The EIS prepared when developing a resource management plan (RMP) provides NEPA coverage for many actions affecting the public lands and resources. Thus, a review of the relevant resource management plan and its associated EIS (RMP/EIS) is essential.

See Chapter III for instructions on reviewing existing EA's and EIS's and how to proceed under the circumstances. If additional NEPA documentation is required, see Chapter IV on EA's or Chapter V on EIS's.

E. Actions Which Require an EA. Actions which are neither categorically excluded, covered in an existing environmental document, nor normally subject to the EIS requirements (516 DM 6, Appendix 5) must be analyzed in an EA to determine if an EIS is needed (see Chapter IV).

F. Actions Which Require an EIS. Actions normally requiring an EIS (516 DM 6, Appendix 5) and other actions whose impacts are expected to be significant and which are not fully covered in an existing EIS must be analyzed in a new or supplemental EIS. An EIS should also be prepared if, after or during preparation of an EA, it is determined that the impacts of the proposed action are significant (see Chapter V).

NEPA Screening Process

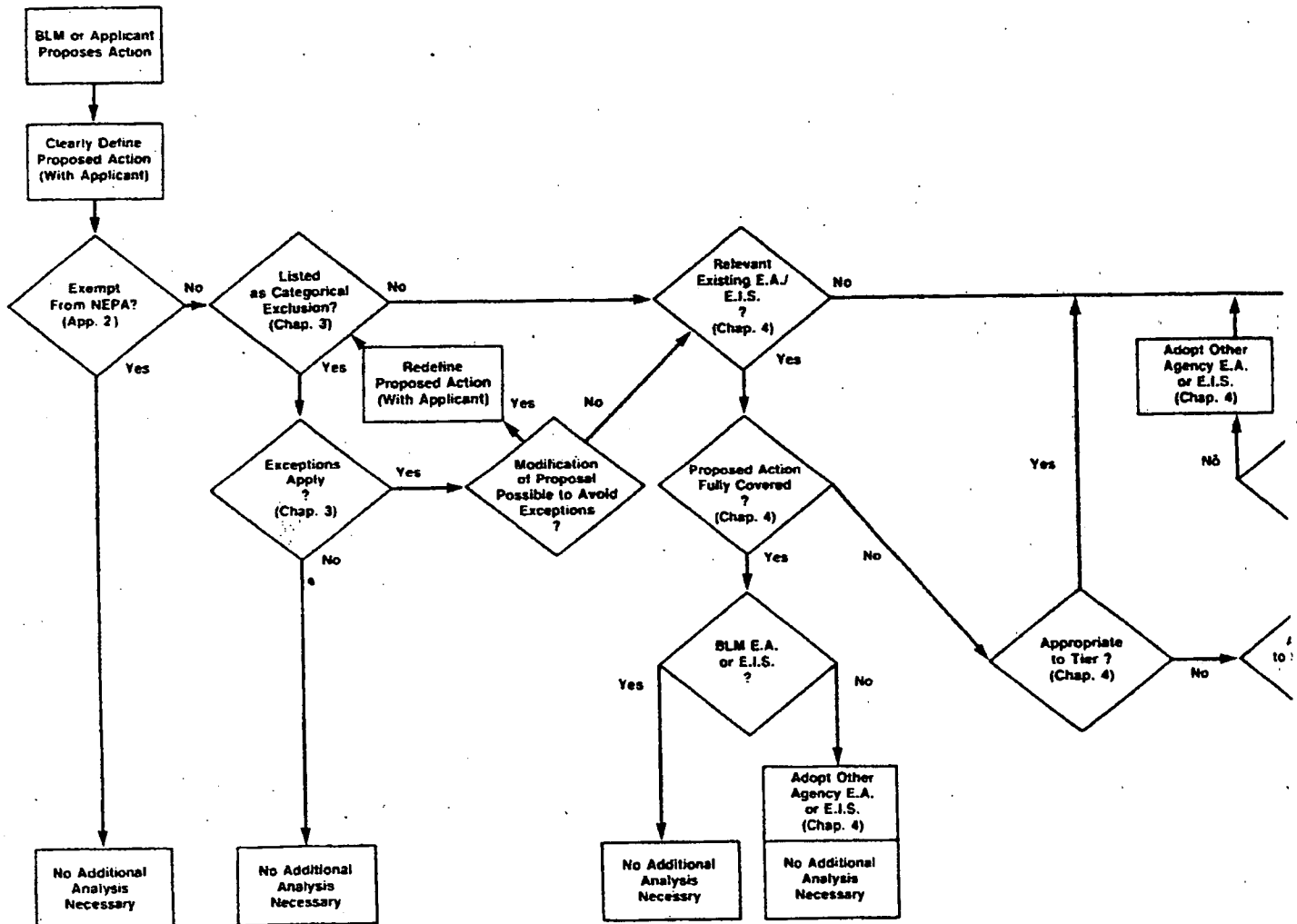
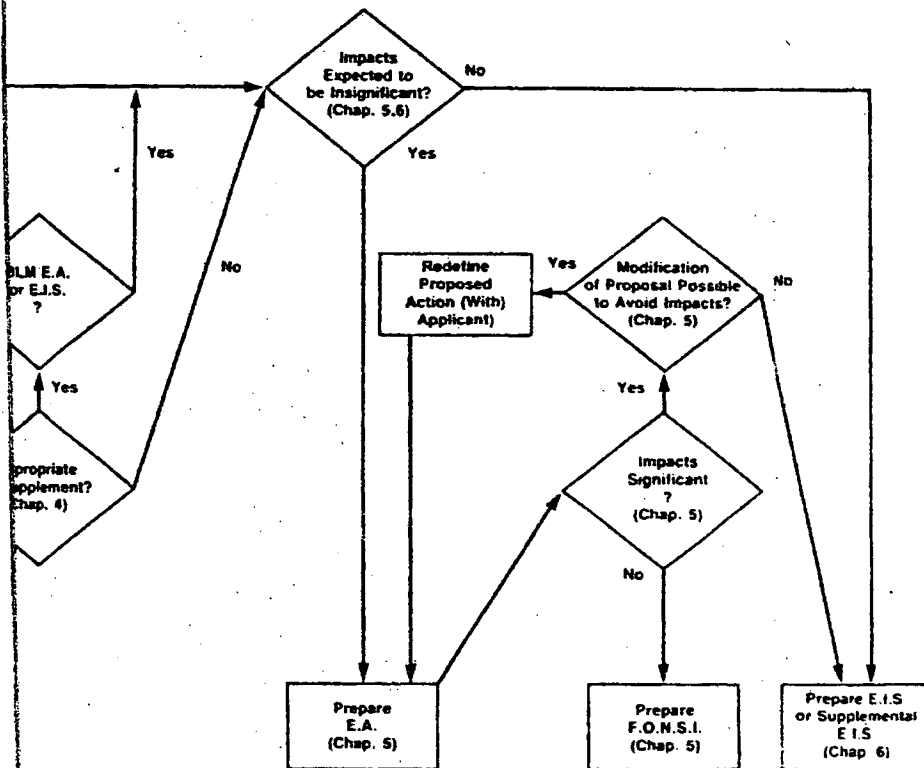


Illustration 1
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CHAPTER II - USING CATEGORICAL EXCLUSIONS

A. General. Categorical exclusions are categories of actions which Federal agencies have determined do not have a significant effect on the quality of the human environment (individually or cumulatively) and for which, therefore, neither an EA nor an EIS is generally required (40 CFR 1508.4). The BLM managers are encouraged to apply categorical exclusions, where appropriate, because they reduce paperwork and speed the decisionmaking process. Departmental policy requires that categorically excluded actions be subjected to sufficient environmental review to determine whether they meet any of the exceptions to categorical exclusion (516 DM 2). This means that each time a specific categorical exclusion is used, the required review must be done.

NOTE: An EA may be prepared for proposed actions otherwise excluded when the manager thinks an EA would be helpful in planning or decisionmaking (40 CFR 1501.3 and 516 DM 3.2 B).

B. Procedures for Conducting a Categorical Exclusion Review.

1. Ensure Conformance with the Land Use Plan. Review the applicable plan to ensure that the proposed action is in conformance with it. If it is not in conformance, the manager responsible for authorizing the action should either reject the proposed action, modify the proposed action so it conforms with the approved land use plan, or determine if the proposed action warrants further consideration through a plan amendment. For a plan amendment, the appropriate NEPA analysis would be an EA or EIS.

2. Identify Potential Exclusion Category. Review the Departmental and BLM lists of categorical exclusions (see Appendix 3) to determine if the proposed action falls into one of the listed categories.

3. Review Exceptions to Categorical Exclusion. Check the proposed action against the list of exceptions (see Appendix 4) to determine if any of them apply.

a. If it is determined that one or more exceptions apply to the proposed action, determine whether the proposal can be modified to prevent it from triggering the exceptions. If this can be done and, if applicable, the proponent agrees to the change, then the proposed action may be modified and categorically excluded. If modifications are not possible, or the proponent refuses to accept a change, prepare an EA or EIS.

b. If it is determined that none of the exceptions apply to the proposed action (or modified action), then it may be categorically excluded.

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Chapter II - Using Categorical Exclusions

C. Documentation of Categorical Exclusion Review. There are no statutory, regulatory, or manual requirements to document a categorical exclusion review. To assure a clear record of NEPA compliance, however, managers may choose to indicate in the appropriate case/project file, in the decision record, or in any other authorizing document that an action has been excluded. The Optional Plan Conformance/NEPA Compliance Record may be used for such documentation (see Chapter III, Illustration 1).

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CHAPTER III - USING EXISTING ENVIRONMENTAL ANALYSES

A. General. Existing environmental analyses should be used in analyzing impacts associated with a proposed action to the extent possible and appropriate. This approach builds on work that has already been done, avoids redundancy, and provides a coherent and logical record of the analytical and decisionmaking process.

There are three questions which must be addressed before using existing environmental analyses: (1) Have any relevant environmental analyses related to the proposed action been prepared (e.g., RMP/EIS, programmatic EIS)? (2) Who prepared or cooperated in the preparation of the analyses (e.g. the BLM, Forest Service)? (3) Do any of the existing analyses fully analyze the proposed action and alternatives? The answers to these questions determines what needs to be done next. Answering these questions requires the understanding and conceptualization of the proposed action and its environmental impacts. For some proposed actions, no additional analysis may be required. For others, a tiered analysis, supplemental analysis, or a completely new analysis may be necessary.

B. Reviewing Existing Environmental Documents. Each relevant existing NEPA document should be identified and reviewed to determine whether it can be used to satisfy NEPA requirements for a proposed action.

1. Identify Existing EA's and EIS's. The NEPA documents which may be relevant include, but are not limited to, the following:

- a. EIS's associated with BLM resource management plans.
- b. EIS's or EA's associated with BLM plan amendments.
- c. EIS's or EA's on BLM programmatic actions.
- d. EIS's or EA's associated with BLM activity or project plans.
- e. EIS's or EA's prepared by other agencies; including those on programmatic, land use, and activity or project-specific plans or actions, particularly those on which the BLM was formally a cooperating agency.

2. Conduct Review. The review criteria for determining whether an existing EA or EIS covers a proposed action currently under consideration may include, but are not limited to, the following:

- a. The new proposed action is a feature of, or essentially the same as, the alternative selected in the document being reviewed.

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b. A reasonable range of alternatives to the new proposed action was analyzed in the document being reviewed, i.e., there are no unresolved conflicts involving alternative resource uses for the new proposed action.

c. The circumstances or information upon which the document being reviewed is based are still valid and germane to the new proposed action, i.e., there has been no significant change in circumstances and no significant new information.

d. The methodology or analytical approach used in the document being reviewed is appropriate for the new proposed action.

e. The direct and indirect impacts of the new proposed action are not significantly different than, or are essentially the same as, those identified in the document being reviewed.

f. The new proposed action, if implemented, would not significantly change the cumulative impact analysis, i.e., is within the range of reasonably foreseeable developments contemplated in the document being reviewed.

g. Public involvement in the document being reviewed provides appropriate coverage for the new proposed action.

3. Analyze the Results of the Review. The review is intended to determine if the existing document or documents satisfy NEPA analysis requirements for the proposed action currently under consideration.

a. If all of the criteria in Paragraph B.2 above are met, additional analysis will not be necessary to satisfy NEPA requirements. However, if the BLM was not formally a cooperating agency on an EIS prepared by another agency, the BLM must adopt the document in order to use it for NEPA compliance (see Paragraph E.4 below).

b. If some or all of the criteria in Paragraph B.2 above are not met, a new NEPA document must be prepared. It may be appropriate to tier to, supplement, or incorporate by reference parts or all of the existing document.

4. Document the Review. When the BLM determines that a NEPA document previously prepared by the BLM fully covers a proposed action and no additional analysis is necessary, document the BLM determination. There are no content or format requirements for this documentation. It may be incorporated into any other documents associated with the proposed action, such as the decision document or the Optional Plan Conformance/NEPA Compliance Record (see Illustration 1). Documentation requirements associated with existing environmental documents which only partially cover NEPA analysis requirements or were prepared by other agencies are discussed in the pertinent sections of this Chapter on tiering, supplementing, using another agency's EA or EIS, and incorporating by reference.

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Chapter III - Using Existing Environmental Analyses

C. Tiering.

1. Purpose and Use of Tiering (40 CFR 1508.28). Tiering is used to prepare new, more specific or more narrow environmental documents (e.g., activity plan EA's) without duplicating relevant parts of previously prepared, more general, or broader documents (e.g., RMP/EIS's). The more specific or more narrow environmental document incorporates by reference the general discussions and analysis from the broader document and concentrates on the issues and impacts of the project which are not specifically covered in the broader document. The more specific or more narrow environmental document, however, does not lead to a change in either the scope or the conclusions of the more general environmental document to which it is tiered. Also, the decision made as a result of the more specific document does not change or modify the decision(s) of the more general document. Tiering is used primarily to avoid unnecessary paperwork. It is also useful for explaining or clarifying the relationship between different environmental documents.

2. When to Tier. Tiering is appropriate when:

a. The analysis for the proposed action will be a more site- or project-specific refinement or extension of the existing analysis.

b. The decisions associated with the existing environmental document will not be changed as a result of the tiering.

3. Examples of Tiering. The following are examples of some of the typical situations in which tiering is appropriate:

a. RMP/EIS to Programmatic EIS, e.g., tiering the coal element of an RMP/EIS to the Coal Programmatic EIS (which established Bureauwide coal screening procedures for land use planning).

b. Activity Plan EA or EIS to RMP/EIS, e.g., tiering an allotment management plan EA to an RMP/EIS (which established livestock management objectives for the area) or tiering a regional coal EIS to an RMP/EIS (which identified areas available for further consideration for coal leasing).

c. Project-Specific EA or EIS to RMP/EIS, e.g., tiering a 3809 Plan of Operation EA to an RMP/EIS (which established terms and conditions under which hard rock mining would be allowed) or tiering a facility siting EIS (utility line location) to an RMP/EIS (which established right-of-way corridors or avoidance areas).

4. Procedural and Documentation Guidance for Tiering.

a. The new environmental document must identify the document to which it is tiered. Both documents must be available for public review.

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b. The new environmental document must briefly summarize relevant portions of any document to which it is tiered to the extent necessary for understanding the relationship between the two documents.

D. Supplementing.

1. Purpose and Use of Supplementing (40 CFR 1502.9(c)). Supplements to existing draft or final EIS's are prepared when additional environmental analysis is needed. The relationship between the supplement and the existing EIS is lateral, i.e., the proposed action and alternatives are analyzed to the same level of specificity and detail. A supplemental EIS is often used to address alternatives not previously analyzed and may lead to new decision.

It is not really necessary to formally "supplement" an EA. An existing EA can be easily modified to reflect changed circumstances or new information. For example, an EA could be prepared by merely identifying any changes that may be warranted to an existing EA and attaching or incorporating by reference the existing EA (see Paragraph F below).

2. When to Supplement. If it is determined that an existing relevant environmental document does not fully cover a proposed action and it is not appropriate to tier, then a determination should be made on whether to supplement or modify the existing document or prepare an entirely new one. The most efficient course of action that does not sacrifice procedural or analytical quality should be followed. A supplement is generally prepared when:

a. There are substantial changes in the proposed action that are relevant to environmental concerns (40 CFR 1502.9(c)(1)(i)).

b. There are significant new circumstances or facts relevant to environmental concerns and bearing on the proposed action or its impacts which were not addressed in the existing analysis (40 CFR 1502.9(c)(1)(ii)).

c. Using another agency's environmental document and additional analysis is needed (see Paragraph E below).

3. Examples of Supplementing. Examples of when supplementing an EIS may be appropriate include:

a. A substantial change has been proposed for a planned transmission line, pipeline, or power plant which was initially analyzed in a previous EIS.

b. Program management decisions previously analyzed in a programmatic EIS need to be reevaluated to account for changed circumstances and new information, i.e., original assumptions no longer valid. In this case it may be possible to prepare a supplemental programmatic EIS, e.g., Coal Programmatic EIS Supplement.

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4. Procedural and Documentation Guidance for Supplementing.

a. Supplementing an EIS. The standard procedural and documentation requirements for preparing an EIS (see Chapter V) also apply to supplementing an EIS with the following exceptions:

- (1) Additional scoping is optional (40 CFR 1502.9 (c)).
- (2) The supplemental EIS must identify the EIS being supplemented on the cover page, and explain the relationship of the supplement to the prior analysis early in the text.
- (3) The supplemental EIS should identify the changes in the proposed project and/or the significant new information or changed circumstances which necessitate the preparation of the supplement.
- (4) The record of decision (ROD) on the supplemental final EIS should define the relationship to the previous ROD if one was prepared (e.g., replaces).
- (5) The Office of Environmental Project Review (OEPR) and the Office of the Solicitor (SOL) must be consulted prior to proposing to CEQ to prepare a final supplement without preparing an intervening draft (516 DM 4.5(B)).

b. Modifying an EA. There are no special procedures associated with modifying an EA. Procedural and documentation standards identified for the preparation of an EA should be followed (see Chapter IV). A finding of no significant impact (FONSI) and decision record (DR) must then be prepared.

E. Using Another Agency's EA or EIS.

1. Purpose. (40 CFR 1506.3) The purpose of using another agency's environmental document for NEPA compliance is to reduce paperwork, eliminate duplication, and make the process more efficient. Use of another agency's EIS is accomplished by either formally cooperating in its development or adopting all or parts of the EIS. Assuming cooperating agency status on an EIS will usually result in significant time and cost savings and is the preferred approach when there is a possibility of future action by the BLM. Use of another agency's EA is relatively straightforward.

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~~1~~ 2. When to Use Another Agency's EA or EIS. Part or all of another agency's environmental document may be used for NEPA compliance if both of the following criteria are met:

a. The environmental document meets CEQ, DOI, and BLM standards.

b. The BLM has performed an independent review of the environmental document and has concluded that it has addressed BLM concerns and suggestions. This review must be documented in the official files or in the decision document (also see Paragraph B above.)

3. Cooperating Agency Procedures for Using an EIS. (40 CFR 1501.6) If the BLM is a cooperating agency in the preparation of another agency's EIS, the BLM can use the EIS for decisionmaking purposes without providing additional public review (40 CFR 1506.3(c)). When the BLM is a cooperating agency for the purpose of using the EIS to satisfy NEPA requirements for a BLM action or decision, the following guidance applies:

a. When another Federal agency intends to prepare an EIS and the BLM has or possibly may have jurisdiction, the BLM should request formal designation as a cooperating agency. If the BLM intends to become a cooperating agency, the responsible BLM official should formally notify the lead agency as early as possible. The BLM must notify OEPR of either the acceptance or rejection of cooperating agency requests (516 DM 2.5(B)).

b. An interagency memorandum of understanding (MOU) between the BLM and the lead agency should be prepared. It should identify a BLM contact and specify any special resource needs, data requirements or issues which need to be addressed in the analysis. It should also identify the responsibilities of the lead and cooperating agency. (See 40 CFR 1501.6(a) and (b) for detailed guidance on lead and cooperating agency responsibilities.)

c. The BLM should be formally identified as a cooperating agency in the notice of intent (NOI) published in the Federal Register.

d. The BLM must be identified as a cooperating agency in the draft and final EIS, preferably on the cover sheet.

e. Cooperating and lead agencies can identify different analytical conclusions and preferred alternatives in the environmental document. If such differences are not identified in the draft EIS, the BLM should address them in formal written comments to the lead agency. If the lead agency is not within the Department of the Interior, use the Departmental review procedures (see Chapter VII). Agencies should attempt to work out any major differences on which alternative to authorize before the final decision is made. If differences cannot be resolved, WO-760 should be consulted on the appropriate course of action.

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f. The responsible BLM official must carefully evaluate the scope of the EIS to ensure that it fully covers any potential future action(s) which may be taken by the BLM. This will reduce the potential need for further analysis prior to using the EIS.

g. The BLM must prepare its own ROD.

4. Adoption Procedures for Using an EIS (40 CFR 1506.3). Whenever the BLM wants to use all or part of another agency's EIS and the BLM was not a cooperating agency, the BLM must formally adopt the EIS in accordance with CEQ regulations (40 CFR 1506.3).

a. In those instances where the actions covered by the other agency's EIS and the BLM proposal are substantially the same, the BLM can adopt the EIS after recirculating the document as a final EIS (filing it with EPA and distributing it to agencies and the public). When recirculating the final EIS, the BLM should provide information which identifies what Federal action is involved. The EIS must meet the criteria identified in Paragraphs E.2.a and b above. The BLM must prepare an ROD.

b. In those instances where the actions covered by the other agency's EIS and the BLM proposal are not substantially the same, the BLM can adopt the EIS by treating the document as a draft EIS, i.e., filing it with the EPA and distributing it for review and comment. The EIS must meet the criteria in Paragraphs E.2.a and b above and must identify what Federal action is involved. The draft EIS must be followed by a final EIS and an ROD.

c. If the other agency's EIS only partially covers a proposed action or only a portion of the other agency's EIS is being adopted, the BLM must prepare a draft EIS which incorporates that portion of the other agency's EIS which is being adopted as well as any supplementary analysis needed. The draft EIS is filed with EPA and distributed for public review and comment. A final EIS and ROD must also be prepared in accordance with CEQ regulations.

d. If the BLM adopts an EIS which is not final within the agency that prepared it, or if the action the EIS assesses is the subject of a referral or if the adequacy of the EIS is the subject of judicial action which is not final, the BLM must indicate its status in the recirculated draft and/or final EIS (40 CFR 1506.3(c)).

e. An ROD cannot be adopted, i.e., the BLM must prepare its own ROD on adopted EIS's.

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***5. Procedures for Using Another Agency's EA.** (516 DM 3.6) The procedures for using or adopting another agency's EA are identified below:

- a. The other agency's EA must satisfy the criteria in Paragraphs E.2.a and b above. In essence, the BLM takes full responsibility for the scope and content of the EA.
- b. The BLM must prepare its own FONSI and DR, i.e., another agency's FONSI and DR can not be used or adopted by the BLM.

F. Incorporating By Reference (40 CFR 1502.21).

1. **Purpose and Use of Incorporation by Reference.** Incorporation by reference is a technique used to avoid redundancies in analysis and to reduce the bulk of a NEPA document. Both EA's and EIS's may incorporate previous analyses by reference. Materials or analyses incorporated by reference are not limited to NEPA documents. Special technical or professional studies and analyses prepared by the BLM, other Federal agencies, State, local or tribal governments, or private interests may be incorporated by reference.

2. **Procedural and Documentation Guidance for Incorporating.**

- a. The EA or EIS must identify documents which are incorporated by reference and should indicate where they are available for public review.
- b. Relevant portions of the incorporated analysis must be referenced by page number, and summarized in the EA or EIS to the extent necessary to provide the decisionmaker and the public with an understanding of the significance of the referenced material to the current analysis. In other words, incorporating by reference should not result in a loss of comprehension to the reader. The NEPA document must be able to stand alone; it must provide sufficient analysis to allow the reader to follow the analysis and arrive at a conclusion.
- c. Material incorporated by reference must be reasonably available for inspection by potentially interested persons within the time allowed for comment. The manager responsible for preparing the EA or EIS must determine how to satisfy this "reasonably available" standard. If the document is not or cannot be made readily available, then it may not be incorporated by reference. Material based on proprietary data may not be incorporated by reference. If a document incorporated by reference is at the heart of the EIS, it should be circulated for comment as part of the draft.

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OPTIONAL PLAN CONFORMANCE/NEPA COMPLIANCE RECORD	
BLM Office _____	Lease/Serial/Case File No. _____
Proposed Action Title/Type: _____	
Location of Proposed Action: _____	
Description of Proposed Action: _____	

Applicant (if any): _____	
PART I: PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan: Name of Plan: _____ Date Approved: _____ The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).	
Surname(s) of Reviewer(s) _____	
Remarks: _____	

PART II NEPA REVIEW.	
A. Categorical exclusion review. This proposed action qualifies as a categorical exclusion under 516 DM 2, Appendix 1. _____ (CX number) or 516 DM 6, Appendix 5.4. _____ (CX number). It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.	
Surname(s) of Reviewer(s) _____	
Remarks: _____	

B. Existing EA/EIS review. This proposed action is addressed in the following existing BLM EA/EIS: Name of Document: _____ Date Approved: _____ This EA/EIS has been reviewed against the following criteria to determine if it covers the proposed action:	
1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.	
2. A reasonable range of alternatives was analyzed in the existing document.	
3. There has been no significant change in circumstances or significant new information germane to the proposed action.	
4. The methodology/analytical approach previously used is appropriate for the proposed action.	
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.	
6. The proposed action would not change the previous analysis of cumulative impacts.	
7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.	
Surname(s) of Reviewer(s) _____	
Remarks: _____	

PART III: DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.	
Mitigation Measures/Other Remarks: _____	

Authorized Official: _____ Date: _____	

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INSTRUCTIONS FOR COMPLETING OPTIONAL PLAN CONFORMANCE/NEPA COMPLIANCE RECORD

WHEN TO USE. The optional form may be used for documenting plan conformance and NEPA compliance for proposed actions which are categorically excluded from the preparation of an EA or EIS (i.e., none of the exceptions to categorical exclusion apply) or are fully covered by an existing EA or EIS prepared by the BLM (i.e., the existing BLM NEPA document satisfies all of the criteria for ensuring NEPA compliance for the proposed action).

DETAILED INSTRUCTIONS.

Descriptive information. Identify the BLM office, title or type of proposed action, and location of proposed action. A location map may be attached or a description of the location referenced. The lease/serial/case file number and applicant name are completed if applicable.

PART I. PLAN CONFORMANCE REVIEW. Identify the name of the plan(s), or planning analysis, and the date(s) approved. The remarks section may be used for documenting any restrictions or limitations identified in the plan(s) or for referencing any other relevant information contained in the plan(s). The individual(s) who reviewed the applicable land use plan(s), usually a resource specialist(s), should surname the conformance statement. The remarks section may be used for documenting any restrictions or limitation identified in the plan(s) or for referencing any other relevant information contained in the plan(s).

PART II. NEPA REVIEW. Complete II.A. if the proposed action is on the Departmental or the BLM list of categorical exclusions (see 516 DM 2, Appendix 1, and 516 DM 6, Appendix 5). Complete Part II.B. if the proposed action is covered in an existing EA or EIS prepared by the BLM.

A. Categorical Exclusion Review. Conduct review in accordance with procedures identified in Chapter II, Paragraph B of the BLM NEPA Handbook. The individual(s) who conducts the review to determine if any of the exceptions apply, usually a resource specialist(s), should surname the statement verifying the completion of the review. The remarks section may be used to document any pertinent information about the CX review.

B. Existing EA/EIS Review. Identify the name of the document and the date approved. Generally only one existing EA or EIS will be used for ensuring coverage (usually the applicable RMP/EIS). Conduct review in accordance with procedures identified in Chapter III, Paragraph B of the BLM NEPA Handbook. Use additional pages if the review includes more than one existing EA or EIS. The individual(s) who reviews the existing EA or EIS against the criteria shown, usually a resource specialist(s), should surname the statement verifying that the review has been completed. The remarks section may be used for any comments on the review.

PART III. DECISION. The remarks sections should be used to document any commitments being made as part of this decision such as mitigation measures or monitoring and enforcement activities associated with the proposed action which are specified in the applicable land use plan. The manager responsible for approving the action must sign and date the decision.

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CHAPTER IV - PREPARING ENVIRONMENTAL ASSESSMENTS

A. General. An environmental assessment (EA) must be prepared for proposed actions that (1) are not exempt from NEPA, (2) have not been categorically excluded, (3) have not been covered in an existing RMP/EIS or other environmental analysis, and (4) do not normally or obviously require an EIS. An EA may be prepared for any action at any time to assist in planning and decisionmaking (40 CFR 1501.3). The EA serves several purposes as follows:

1. The EA provides sufficient evidence and analysis of impacts on the quality of the human environment to support a determination of no significant impacts or a determination to prepare an EIS.

2. The EA serves as a vehicle for an interdisciplinary review of proposed actions and thus promotes consideration of all affected resources, even though impacts are not significant.

3. The EA provides a mechanism for identifying and developing appropriate mitigation measures.

4. The EA aids compliance with NEPA. The EA and the related FONSI are made available to the public and serve as documentation of NEPA compliance.

5. In cases when an EIS is necessary, the EA facilitates the preparation of the EIS, i.e., the results of the assessment are used in scoping (see Chapter V).

B. Environmental Assessment Procedures. The EA process includes: (1) determining the scope of the assessment; (2) conducting the assessment and preparing the EA; (3) determining if any impacts are significant; (4) notifying the public; and (5) reaching and recording the decision. The process is basically the same for all EA's whether the proposed action is initiated internally (within the BLM) or externally (outside the BLM), or combined with any other document. Additional procedural guidance for the preparation of land use plan amendments using the EA process is set forth in MS 1617.42. Program-specific guidance must also be consulted to ensure efficient consideration of all relevant factors in the preparation of land use plan amendment EA's, project EA's, or activity plan EA's.

The EA process need not be time-consuming nor complicated. The level of assessment should be commensurate with the anticipated impacts and the degree of public concern.

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1. Determining the Scope of the Assessment. Careful planning minimizes the amount of time and energy expended on an EA. Internal coordination is always necessary when determining the scope of the assessment. Coordination may be expanded to involve external entities such as other government agencies, individuals, and interest or user groups. The cost and time needed to prepare an EA depends to a great extent upon the scope of the assessment (see 43 CFR 2808.3-1, 2883.1-1 and BLM MS 1323). Consider the following in determining the scope of the assessment:

a. Is the proposal complete and fully described? Have program-specific requirements for information, if any, been satisfied?

b. Does the proposed action conform with the existing RMP (or management framework plan) for the area? If not, does the proposed action warrant further consideration through a plan amendment or can the proposed action be modified to conform with the existing plan? For externally initiated proposed actions, the applicant must agree to any changes in writing, e.g., as a modification to the application.

c. What is the need for the proposed action?

d. Can or should any modifications be made in the proposed action, e.g., changes in design features or management practices, to avoid or minimize environmental harm? For externally proposed actions, the applicant must agree to the modification in writing.

e. Are there opportunities to use information or analysis from existing environmental analyses by tiering or incorporating by reference?

f. Can the proposal be aggregated with other similar proposals, i.e., similar in nature, timing, or geographic location, and assessed in an EA without causing schedule problems?

g. Can the EA be combined with other non-NEPA documents to concurrently fulfill requirements and reduce paperwork? What other statutory, regulatory, or programmatic requirements are applicable to the proposal? (Consult program-specific guidance.)

h. What issues and concerns need to be addressed? What resources are present and likely to be affected?

NOTE: Determining issues and concerns usually involves informal contact with user groups and other interested government agencies or organizations as well as BLM staff specialists. Careful consideration of what issues or concerns do or do not need to be addressed is essential in determining the scope of the assessment.

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i. What criteria should be used to assess whether or not impacts are significant (see 40 CFR 1508.27)?

j. Are there any unresolved conflicts concerning alternative uses of available resources (see Section 102 (2)(e) of NEPA)? If so, what alternatives should be considered? Are there reasonable alternatives for satisfying the need for the proposed action? Will such alternatives have meaningful differences in environmental effects? Should they be considered?

k. What public notice and level of public involvement is appropriate or required by CEQ regulations (40 CFR 1501.4 and 1506.6) and by program-specific regulations or standards?

l. What information is needed to assess the proposed action? Is the information already available or must it be obtained?

m. What interdisciplinary involvement is necessary (team makeup)?

2. Conducting the Assessment and Preparing the EA. The environmental impacts of the proposed action and alternatives, if any, must be assessed and documented in an EA. Agencies with legal jurisdiction or special expertise, applicants, and the public should be involved, to the extent practical, in the preparation of the EA (40 CFR 1501.4(b)). Consult program-specific guidance for other requirements for public involvement in conducting the assessment and preparing the EA. General procedural guidance for conducting the assessment and preparing the EA is provided below:

a. Define the Proposed Action and Alternatives. The proposed action and alternatives, if any, must be defined in sufficient detail to analyze impacts. Design features and management practices should be clearly identified for the proposed action and each alternative, including those features or practices intended to avoid or minimize environmental harm.

Alternatives to the proposed action must be considered and assessed whenever there are unresolved conflicts involving alternative uses of available resources. Public controversy or concern about a proposed action does not necessarily mean that alternatives must be analyzed. For example, concerns about land use may be addressed in an RMP/EIS in which several alternative uses of resources are analyzed. In subsequent activity planning, an EA tiered to the RMP/EIS may be prepared to examine site-specific impacts. Although there may continue to be public controversy and concern regarding alternative land uses, it is not necessary to reevaluate previously analyzed alternatives if the concerns were adequately addressed in the EIS prepared for the land use plan. If, however, there is controversy or concern regarding site-specific resource uses which were not addressed in the RMP/EIS, it would be necessary to examine alternatives.

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If the no-action alternative is being analyzed, it must also be defined to the same level of detail as the proposed action. For EA's on internally initiated proposed actions, the no-action alternative is generally the continuation of current management practices and trends. For EA's on externally initiated proposed actions, the no-action alternative generally means that the proposed activity will not take place.

b. Identify the Affected Environment. Identify the current condition and trend of elements in the human environment which will be affected by the proposed action or alternatives. All elements of the environment should be reviewed to determine if they will be affected. If so, or if otherwise required by program-specific guidance, these elements must be addressed in the EA. A checklist of critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order is shown in Appendix 5. Critical elements must be considered in all EA's.

c. Assess the Impacts of the Proposed Action and Alternatives. Direct, indirect, and cumulative impacts on the affected environment should be analyzed for the proposed action and each alternative, if any, to the extent necessary to determine if impacts are significant. The analysis of impacts should be based on the premise that all standard operating procedures and other standard Bureauwide requirements will be followed in implementing the proposed action or alternatives unless changes in such practices are specifically being addressed in the analysis. Design features or management practices which are intended to avoid or minimize environmental harm and which have been incorporated into the proposed action or alternatives must be treated as an inherent part of the action. The analysis should be based on the best available information and should be objective, i.e., should not reflect subjective value judgements and, if possible, should be quantified.

d. Identify Mitigation Measures. Mitigation measures, if any, should be identified. Mitigation measures are actions developed in response to impacts identified in the analysis which could be taken to avoid or reduce projected impacts.

NOTE: Actions or features which are included in the proposed action or reflect standard operating procedures or Bureauwide requirements are not treated or labeled as mitigation measures.

e. Assess Residual Impacts. This assessment should identify any direct, indirect, or cumulative impacts which will remain after application of the mitigation measures.

f. Prepare EA. (See Paragraph C.1 below for EA content and format guidance.)

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3. Determining Whether Impacts Are Significant. The EA is reviewed internally by the manager responsible for authorizing the action. In reviewing the EA, the manager must determine whether the proposed action will have a significant impact on the quality of the human environment. Factors to consider in determining significance are set forth in 40 CFR 1508.27. To determine significance, impact predictions may be compared to some parameter or maximum/minimum level of effect beyond which the impacts become significant, i.e., a significance threshold. Law, regulation, prior commitments, professional expertise, the manager's best judgment, and public opinion can affect the setting of significance thresholds.

a. If Significant. If the impacts of the proposed action are determined to be significant, the action cannot be approved unless it is either analyzed in an EIS or modified to avoid significant impacts.

(1) In the event an EIS is determined necessary, do not proceed any further in documenting the EA. A notice of intent (NOI) to prepare an EIS is developed and the information and analysis assembled during the EA process becomes a part of the scoping for the EIS. (See Chapter V for guidance on preparing an EIS.)

NOTE: In a tiered EA, where the significant impacts have already been fully analyzed in an existing EIS, it is not necessary to prepare a new EIS. In such cases, however, this determination must be documented in the FONSI. Only significant impacts which have not been fully analyzed in an existing EIS will trigger the need for a new or supplemental EIS.

(2) Modifications to avoid significant impacts must be incorporated into the proposed action. For externally initiated proposed actions, the applicant must agree to the modification in writing. The analysis which supports a FONSI for the modified action must be documented in an EA. If the "modified" action was already analyzed as an alternative to the proposed action or as part of the mitigation analysis, only minor changes need to be made in the EA to satisfy this requirement.

b. If Not Significant. If the impacts of the proposed action (or proposed action after it is modified) are determined to be insignificant, a FONSI must be prepared. (See Paragraph C.2 below for FONSI content and format guidance.)

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4. Notifying the Public.

a. Determine Need for Public Review of EA and FONSI. The manager responsible for authorizing the action must determine if the EA and FONSI should be made available for public review (usually a 30-day review period) before making a final determination on the action. The primary purpose of a public review is to allow the public an opportunity to comment on the agency's determination that there are no significant impacts associated with the proposed action and, therefore, an EIS is not necessary. A public review of the EA and FONSI is usually only necessary under certain limited circumstances as defined in CEQ regulations (40 CFR 1501.4(e)(2)). Program-specific guidance should also be consulted to determine if the EA and FONSI must be reviewed by the public prior to a decision. The manager must notify the public, including affected State and local governments and Indian tribes, of the review period (40 CFR 1506.6). Generally, notice of the review should be announced in regional and local newspapers or other media. A copy of the EA and FONSI must be provided to individuals and organizations who requested one. Copies should also be provided to individuals and organizations affected by or known to have an interest in the action.

NOTE: An EA should not be labeled as a "draft" when issued for public review.

b. Provide Notice of Availability of EA and FONSI. If a public review is determined unnecessary, the affected and interested public must be notified of the availability of the EA and the FONSI (40 CFR 1501.4(e)(1) and 1506.6). The manager responsible for authorizing the action determines the appropriate means for notifying the public and ensuring availability based on the extent of concern and interest in the action. The manager has a great deal of discretion in determining how to satisfy the notification requirement, however, all individuals or organizations that have requested notification on an individual action must be notified by mail. Managers are also encouraged to maintain a record or register of all EA's and FONSI's completed and make it available for review in the State or District Office public room.

5. Reaching and Recording the Decision. The decision to approve a proposed action resulting in a FONSI may be made after consideration of other factors, as appropriate, and after program-specific requirements have been satisfied. Decisions should be documented in accordance with program-specific requirements, if any. It is recommended, though not required, that the decision record (DR) incorporate the FONSI. (See Paragraph C.3 below for content and format guidance for a combined FONSI and DR.)

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C. Documentation.

1. **The Environmental Assessment.** An EA is intended to be a concise public document which briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI. The CEQ has advised agencies to keep EA's to no more than approximately 10-15 pages exclusive of appendices (P.R., vol. 46, no. 55, Forty Most Asked Questions Concerning CEQ's NEPA Regulations). To avoid undue length, EA's may incorporate by reference background material to support the analysis. As noted, an EA generally should not exceed 10-15 pages. Although there are specific content requirements which must be satisfied in every EA, there is flexibility in how an EA may be formatted. Minimum CEQ content requirements, other content standards or considerations, and format options are discussed below.

a. **CEQ Content Requirements** (40 CFR 1508.9(b)). The CEQ regulations state that an EA must contain brief discussions of the need for the proposal, the alternatives considered, the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

(1) **Need for Proposed Action.** The EA must briefly identify the need for (or the objective of) the proposed action that is being analyzed. In the case of a plan amendment, the need statement also indicates why the action warrants further consideration through a plan amendment.

(2) **Proposed Action and Alternatives Considered.** The EA must describe the proposed action and alternatives, if any, considered.

(a) The description of the proposed action and alternatives must include all design features and discrete actions which have the potential to affect the environment. Illustrations and maps should be used to help describe the proposed action.

(b) The description of the proposed action and alternatives must comply with program-specific guidance (e.g., H-2801-1, Rights-of-Way Plans of Development).

(c) Design features or management practices that have been incorporated into the proposed action or alternatives to avoid or reduce environmental harm must be clearly described as part of the action or alternative, but should not be characterized as mitigation measures. For non-BLM proposals, such features or practices must be in writing and included in the applicant's proposal to be considered as part of the proposed action. For BLM proposals, every effort should be made to incorporate such features into the proposed action.

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(d) Applicable policy or program requirements and standard or routine procedures which will apply should be described or incorporated by reference. These are program requirements and procedures which are not discretionary and would apply to any proposed action or alternative.

(e) If the alternatives considered in the EA have been described in a previous environmental document, it may be sufficient to incorporate by reference the description from the previous document.

(3) Environmental Impacts. The EA must describe and analyze the environmental impacts of the proposed action and each alternative considered. It must also identify and analyze mitigation measures, if any, which may be taken to avoid or reduce environmental harm.

(a) The analysis of impacts must address direct, indirect and cumulative impacts on all affected resources of the human environment, including critical elements (see Appendix 5).

(b) A negative declaration is recommended for critical elements which are not present and/or not affected, e.g., "The following elements have been analyzed and will not be affected: . . ." Consult program-specific guidance for elements which, if not present or affected, require a negative declaration.

(c) If the impacts of alternatives considered have been fully analyzed in a previous environmental analysis, it may be sufficient to incorporate by reference the analysis from the previous document.

(d) Mitigation measures should be specifically described but should not be formulated as formal stipulations in the EA. Attach stipulations to either the decision record or to the authorizing document. The description of mitigation measures must not include measures that are incorporated into the proposed action or an alternative or that are otherwise standard operating procedures or requirements.

(e) The anticipated effectiveness of mitigation measures and any direct, indirect, and cumulative impacts that remain after the application of all mitigation measures, i.e., residual impacts, must be described and analyzed.

(4) Persons or Agencies Consulted. The EA must list persons or agencies contacted or consulted. The brief statement of the purpose and, if applicable, results of contacts and consultations is recommended.

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b. Additional EA Content Guidance. In addition to the minimum CEQ content requirements, the BLM requires or recommends under certain circumstances that EA's contain additional material as discussed below. Whether the specific content items identified in this section are required, recommended or optional is indicated in parentheses. Consult program-specific guidance to determine if recommended items or other information are required for certain types of actions or under certain circumstances.

(1) Identifying Information.

(a) Title, EA number, and type of project (Required). Consult State Office guidance on the assignment of EA numbers.

(b) Location of proposal (Required). This information is usually included in the description of the proposed action. The general location of the proposed action should also be identified in the EA.

(c) Name and location of preparing office (Required).

(d) Lease, serial, or case file number (Required, where applicable). The EA should identify, for example, the ROW case number, the APD identifier, etc.

(e) Applicant name (Required, if applicable). The applicant's address should also be included.

(f) Date of preparation (Required).

(g) List of Preparers (Recommended). The areas of expertise of the preparers should also be identified if the EA is released for public review.

(2) Information on Related Programs, Plans or Policies.

(a) Conformance With Existing RMP's or MFP's (Required). For activity plans or project proposals, the EA must identify the existing RMP's and/or MFP's associated with the proposal and explicitly state that the proposed action conforms with those plans. In the case of an EA prepared in conjunction with a land use plan amendment, nonconformance of the proposed action with an existing RMP or MFP is a primary reason for considering the plan amendment and should be discussed early in the document.

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(b) Relationship to Statutes, Regulations, Policies, Plans or Other Environmental Analyses (Recommended). Statutory or regulatory provisions which are particularly germane to the assessment should be identified or referenced in the EA. An exhaustive list or discussion of applicable laws or regulations, however, is not appropriate. Only those requirements which are necessary to improve understanding should be included. Other relevant BLM policies and programmatic guidance or environmental analyses which will affect the assessment or to which the EA is tiered (e.g., programmatic/EIS) should also be identified in the EA. The relationship of the proposed action to other agency (non-BLM) policies, plans, or programs should be discussed to the extent these are germane to the proposed action or must be considered in accordance with program-specific guidance. State or local permitting requirements or other authorizing actions necessary for implementing the proposed action should also be identified.

(3) Other Information.

(a) Alternatives Considered but not Analyzed in Detail (Optional). The EA may contain a description of other alternatives, if any, that were considered but dismissed after preliminary investigation. If another agency or member of the public recommended an alternative which was considered but not analyzed in detail, it is generally advisable to document the reasons for its dismissal in the EA.

(b) Description of the Affected Environment (Optional). The EA may contain a brief description of the affected environment, including a description of the general setting as well as the resources or values in the human environment which are present or likely to be affected by the proposed action or alternatives. This description is often useful in EA's which are being released for public review in order to give the reader a general overview of the affected environment.

c. EA Format. The manager responsible for preparing the EA determines the appropriate format for the EA within established standards. EA's may range from a short (1-or 2-page) document characterized by only a few headings to a relatively long (10-to 15-page) document characterized by several headings and subheadings. The following guidance on format options should help the manager determine the most appropriate and concise approach. These formats, however, are not mandatory; they are only intended to serve as examples of how the format may vary under different circumstances.

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(1) Format Option #1 (see Illustration 1) may be used for relatively simple and straightforward EA's. This format may be used when all or most of the following conditions exist:

(a) Only a few elements of the human environment are affected by the proposed action (or alternatives, if any) or impacts are minimal, i.e., can be succinctly described.

(b) Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts.

(c) There are no program-specific documentation requirements associated with the action under consideration which would preclude its use.

(2) Format Option #2 (see Illustration 2) may be used for more complex EA's. This format, or variations of this format, may be used when one or more of the following conditions exist:

(a) A large number of elements have been identified as likely to be affected by the proposed action (or alternatives) or impacts are relatively complex.

(b) A large number of mitigation measures have been identified as necessary.

(c) Impacts are potentially controversial.

(3) Optional EA/FONSI/DR Form (see Illustration 3). The Optional EA/FONSI/DR Form generally follows format option #1 above. It may be used for actions requiring the preparation of an EA when all of the following conditions are met:

(a) All of the conditions for using format option #1 are met.

(b) The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered.

(c) The EA is not likely to generate wide public interest and is not being distributed for public review and comment.

(d) The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

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(4) Combined EA Format. An EA may be combined with any other planning or decisionmaking document; however, that portion which analyzes the environmental impacts of the proposed action and alternatives must be clearly and separately identified and not spread throughout or interwoven into other sections of the document (40 CFR 1506.4 and 516 DM 3.5). Consult program-specific guidance for additional format requirements when combining the EA with program-specific planning or decisionmaking documents.

2. The Finding of No Significant Impact (FONSI). The FONSI is a document that briefly states the reasons a proposed action will not have a significant effect on the human environment and for which, therefore, an EIS will not be prepared (40 CFR 1508.13).

a. The FONSI must either be attached to the EA or incorporate the EA by reference. Where applicable, the FONSI should note any other environmental documents related to it. The FONSI must be signed and dated by the manager authorized to approve the action.

b. The FONSI may be included in the decision record (DR). Guidance on combined FONSI/DR is discussed in Paragraph C.3 below. Under certain circumstances, however, the FONSI must be initially prepared as a separate document, e.g., when the EA and the FONSI are being issued for public review prior to a decision on the proposed action (40 CFR 1501.4(e)(2).) There are no format requirements for a "stand alone" FONSI.

3. The Decision Record (DR). Decisions are documented in accordance with program-specific requirements. In the absence of detailed program-specific requirements on the content or format of a DR, the following guidance may be used for documenting decisions which are analyzed in an EA. The suggested content of a combined FONSI/DR is discussed below. An example of a combined FONSI/DR is shown in Illustration 4.

a. Identify the selected alternative. Describe as precisely as possible specific features of the decision. Identify mitigation measures which have been selected to be implemented. Stipulations based on committed mitigation measures should be attached to either the decision record or the authorizing document. Although it is permissible to incorporate by reference a description of the alternative being selected and mitigation measures being committed to, there should be no ambiguities regarding the specifics of what is or is not being approved. Identify any limitations on when the decision may be implemented.

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b. Include a FONSI in the decision record indicating that the action has been analyzed in an EA and found to have no significant impacts, thus an EIS is not required. Identify specific reasons for this finding, e.g., any specific design features or management practices which avoid or minimize harm to the affected environment. Reference and attach the EA which supports the FONSI and identify any other related environmental documents or records.

c. Explain why this decision was made. Indicate that the action conforms with the applicable land use plan(s).

d. A compliance and monitoring plan or schedule may be included in the DR which identifies how mitigation measures will be tracked and enforced. If included, however, such activities must be treated as a part of the decision and implemented as specified.

e. A combined FONSI/DR must be signed and dated by the manager authorized to approve the action.

D. Implementation and Monitoring. A decision may not be implemented until the FONSI and DR have been signed and all other program-specific procedural requirements have been met (e.g., expiration of appeals period allowed under 43 CFR Part 4). Implementation must be in accordance with the decision described in the DR and analyzed in the EA, including any mitigation measures selected. Any proposed changes in the action which are not within the scope of the EA are subject to further NEPA review and associated program requirements, if any.

Monitoring of the action or project is required to the extent it is identified in the DR or as necessary to ensure compliance with the decision. (See Chapter VI for more detailed guidance on monitoring.)

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ENVIRONMENTAL ASSESSMENT FORMAT OPTION #1

This format may be used for relatively simple and straightforward EA's. Headings are underlined.

EA TITLE/HEADING

Identify project title and location, EA number, case file number (if any), name of applicant (if applicable), name and location of BLM office preparing the EA, and EA preparation date.

NEED FOR THE PROPOSED ACTION. Describe the need for or objective of the proposed action. Identify the land use plan or plans which cover the area and the results of the conformance review.

PROPOSED ACTION AND ALTERNATIVES

Proposed Action. Describe the proposed action. Reference attached illustrations or maps as appropriate. Describe bureauwide policy or program requirements, including standard or routine procedures.

Alternatives. Describe each alternative, if any, to the same level of detail as the proposed action.

ENVIRONMENTAL IMPACTS. Identify critical elements and, if required by program-specific guidance, other elements which are not present and/or not affected (see Appendix 5 of BLM NEPA Handbook).

Impacts of the Proposed Action. Identify direct, indirect and cumulative impacts on the affected environment for the proposed action given all policy or program requirements and standard or routine procedures which apply.

Impacts of Alternatives. Identify direct, indirect and cumulative impacts on the affected environment for each alternative, if any, to the same level of detail as for the proposed action.

Mitigation Measures and Residual Impacts. Describe measures, if any, which could be applied to mitigate some or all of the impacts identified for the proposed action and each alternative. For the proposed action and each alternative, identify direct, indirect and cumulative impacts on the affected environment which remain after application of mitigation measures.

PERSONS OR AGENCIES CONSULTED. List persons, agencies and organizations consulted in the preparation of the EA.

Attach list of preparers, illustrations, maps, or other material referenced or necessary.

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ENVIRONMENTAL ASSESSMENT FORMAT OPTION #2

This format may be used for complex or potentially controversial EA's. Headings are underlined.

COVER LETTER

If the EA is issued for public review, a cover letter may be desirable. It should identify the purpose of the review, the review period, and how public comments will be taken into consideration.

EA COVER SHEET

Identify project title and type, project location, EA number, case file or other identifying number (if any), applicant name and address (if applicable), name and location of BLM office preparing the EA, and the EA preparation date.

BODY OF EA

INTRODUCTION

Need for the Proposed Action. Describe the need for or the objective of the proposed action.

Conformance With Land Use Plan. Identify applicable RMP(s) or MPP(s) and approval date(s). Indicate how the proposed action has been determined to conform with the applicable plan(s). Identify any constraints on actions in the area or other determinations specified in the plan(s) which are relevant to the proposed action.

Relationship To Statutes, Regulations, or Other Plans. Indicate, for example, whether the proposed action is consistent with other Federal agency, State, or local plans and programs. Identify pertinent statutes, regulations, or plans which are necessary for understanding the EA. Identify other authorizing actions needed before the proposed action can be implemented, e.g., local permits required.

PROPOSED ACTION AND ALTERNATIVES

Proposed Action. Describe the proposed action. Include illustrations or maps as appropriate. Identify Bureauwide policy or program requirements, including standard or routine procedures.

Alternatives. Describe each alternative, if any, to the same level of detail as the proposed action.

AFFECTED ENVIRONMENT

General Setting. Describe the general setting. Include a map.

Affected Resources. Describe all resources and values which are affected by the proposed action or alternatives. Identify critical elements and, if required by program-specific guidance, other elements which are not present and/or not affected by the proposed action or alternatives (see Appendix 5 of BLM NEPA Handbook).

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ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action. Identify direct, indirect, and cumulative impacts on the affected environment for the proposed action given all policy or program requirements and standard or routine procedures which apply.

Impacts of Alternatives. Identify direct, indirect, and cumulative impacts on the affected environment for each alternative, if any, to the same level of detail as for the proposed action.

Mitigation Measures. Describe measures which could be applied to mitigate some or all of the impacts identified for the proposed action and each alternative.

Residual Impacts. For the proposed action and each alternative, identify direct, indirect, and cumulative impacts on the affected environment which remain after application of mitigation measures.

CONSULTATION AND COORDINATION

Persons and Agencies Consulted. List all persons, agencies, and organizations consulted; purpose and results of such consultation.

Attach list of preparers indicating briefly their areas of expertise, illustrations, maps, and any other materials referenced or necessary for understanding the EA.

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OPTIONAL EA, FONSI and DR FORM

ENVIRONMENTAL ASSESSMENT

EA Number: _____

BLM Office _____

Lease/Serial/Case File No. _____

Proposed Action Title/Type: _____

Location of Proposed Action: _____

Applicant (if any): _____

Conformance With Applicable Land Use Plan:

This proposed action is subject to the following land use plan: _____

Name of Plan _____

Date Approved: _____

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

Remarks: _____

Need for Proposed Action:

Description of Proposed Action:

Environmental Impacts:

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality	_____	_____	T & E Species	_____	_____
ACECs	_____	_____	Wastes, Hazardous/Solid	_____	_____
Cultural Resources	_____	_____	Water Quality	_____	_____
Farmlands, Prime/Unique	_____	_____	Wetlands/Riparian Zones	_____	_____
Floodplains	_____	_____	Wild & Scenic Rivers	_____	_____
Nat. Amer. Rel. Concerns	_____	_____	Wilderness	_____	_____

Description of Impacts:

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INSTRUCTIONS FOR COMPLETING OPTIONAL EA, FONSI, and DR FORM

WHEN TO USE. The optional form may be used for proposed actions which require the preparation of an EA when all of the following conditions are met:

1. The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered.
2. Only a few elements of the human environment are affected by the proposed action or impacts are minimal, i.e., can be succinctly described.
3. Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts.
4. There are no program-specific documentation requirements associated with the action under consideration which would preclude its use.
5. The EA is not likely to generate wide public interest and is not being distributed for public review and comment.
6. The proposed action is located in an area covered by a valid land use plan or planning analysis and conforms with that plan.

DETAILED INSTRUCTIONS. (Also see Chapter IV of the BLM NEPA Handbook)

Descriptive information. Identify the BLM office, title or type of proposed action, and location of proposed action. A location map may be attached or a description of the location referenced. Follow State Office instructions for assigning the EA number. The lease/serial/case file number and applicant name are completed if applicable.

Conformance with applicable land use plan. Identify the name of the plan(s), or planning analysis and the date(s) approved. The remarks section may be used for documenting any restrictions or limitations identified in the plan(s) or for referencing any other relevant information contained in the plan(s).

Need for the Proposed Action. Describe the need for or objective of the proposed action, i.e., what the proposed action is intended to accomplish. Use additional pages if necessary.

Description of proposed action. Describe the proposed action including all design features and discrete actions intended to avoid or minimize environmental harm. Use additional pages, if necessary. Attach illustrations or maps as appropriate.

Environmental Impacts. In the checklist provided, indicate whether critical elements (see Appendix 5 of the BLM NEPA Handbook) are or are not be affected by the proposed action. In the space provided for the narrative discussion, identify direct, indirect, and cumulative impacts on all elements of the affected environment. In the space provided for the identification of mitigation measures and residual impacts, describe measures, if any, which could be applied to mitigate some or all of the impacts and identify any residual impacts which may remain after mitigation measures have been applied. Use additional pages as necessary to fully assess impacts and identify mitigation measures.

Persons/Agencies Consulted. List persons, agencies and organizations consulted in the preparation of the EA.

Preparer(s). List names of individuals who prepared the EA and the month/year prepared.

Finding of No Significant Impact/Decision Record. The manager responsible for approving the action must sign and date the FONSI and DR. Mitigation measures must be specifically identified in the space provided. Also identify other related environmental documents, if any. Use additional pages if necessary.

Attachments. Stipulations should be attached as well as any other materials or information referenced in the EA or additional pages used.

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EXAMPLE OF A COMBINED FONSI/DR

Decision: It is my decision to authorize a permit to drill, #Z-45321, to Falls Oil Company of Wyoming on oil and gas lease Z-11111 located in the Lone Rock Resource Area in Wyoming. The surface protection procedures set forth in the proposed action are included in the application and need not be formulated into stipulations. Mitigation measures identified for the proposed action in the environmental consequences section of the attached environmental assessment have been formulated into stipulations. This decision incorporates by reference the attached stipulations.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

Rationale for Decision: The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation and is in conformance with the Lone Rock RMP, approved on December 13, 1985.

Compliance and Monitoring: The attached compliance and monitoring plan has been developed for this project and is incorporated by reference into this decision.

District/Area Manager

Date

Attachments:

- Lone Rock APD # Z-54321 EA
- Lone Rock APD # Z-54321 Stipulations
- Lone Rock APD # Z-54321 Compliance and Monitoring Plan

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CHAPTER V - PREPARING ENVIRONMENTAL IMPACT STATEMENTS

A. General. When a proposed action, including a proposed policy or legislative recommendation, is projected to have a significant impact on the quality of the human environment, an environmental impact statement (EIS) must be prepared. An EIS is intended to provide decisionmakers and the public with a complete and objective evaluation of significant environmental impacts, both beneficial and adverse, resulting from a proposed action and all reasonable alternatives. An EIS is a major vehicle for fulfilling the substantive environmental goals set forth in NEPA.

1. Actions Normally Requiring an EIS. The list of major actions which normally require the preparation of an EIS is found in 516 DM 6, Appendix 5 and reproduced in Appendix 6.

2. Actions Determined to Require an EIS. The manager responsible for authorizing an action may determine that a proposed action must be analyzed in an EIS based either on the results of an EA or on other information and data on potentially significant impacts.

3. When to Initiate the Preparation of an EIS. For proposals initiated within the BLM, the EIS is prepared prior to any commitment to the proposal. For externally initiated proposals, the EIS is prepared after receipt of an essentially complete application (40 CFR 1502.5 and 516 DM 4.3).

4. How to Determine Lead for the Preparation of an EIS. The Assistant Secretary for Policy, Budget and Administration designates the lead Bureau within the Department when Bureaus under more than one Assistant Secretary are involved and represents the Department in consultations with CEQ or other Federal agencies in the resolution of lead agency determinations (516 DM 2.4). Factors to consider in determining lead agency are specified in 40 CFR 1501.5(c). Within the BLM, the lead office responsible for preparing the EIS is determined in accordance with program-specific guidance. For multi-State projects, the Director, usually through the WO program lead, designates the lead State Director. The State Director has the authority to assign the lead office within their State.

B. Environmental Impact Statement Procedures. The EIS process includes: (1) scoping the EIS; (2) conducting the analysis and preparing the draft EIS; (3) issuing the draft EIS; (4) analyzing the comments and preparing the final EIS; (5) issuing the final EIS; and (6) reaching and recording the decision. Program-specific guidance should be consulted for additional procedural requirements for the activities or programs involved or addressed in the EIS. (See 1600 series of the BLM Manual for guidance on the RMP/EIS.)

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1. Scoping the EIS (40 CFR 1501.7, 1506.6 and 1508.25). The purpose of scoping, generally, is to focus the analysis on significant issues and reasonable alternatives in order to eliminate extraneous discussion and reduce the length of the EIS. Among other things, scoping helps: involve the public and affected agencies early in the process; identify significant issues to be analyzed as well as alternatives and potential impacts to be addressed; and allocate assignments for preparing the document among lead and cooperating agencies. Scoping is not a single, isolated action, but an ongoing process. The following actions or decisions are accomplished during the EIS scoping:

a. Publish Notice of Intent (40 CFR 1508.22, 516 DM 2.3D, Part B, 2.2B). A Notice of Intent (NOI) must be prepared by the lead office and published in the Federal Register as soon as practical after it is determined that an EIS will be prepared. Publication of an NOI formally begins scoping for an EIS. Two purposes of an NOI are: to notify persons or agencies interested in, or affected by, a proposed Federal action; and to seek information and/or participation in scoping. To the extent practical, the NOI should be combined with program-specific notice requirements. (See Paragraph C.1 below for guidance on the content of an NOI.) Also consult Chapter VIII for guidance on publishing notices in the Federal Register.

b. Develop Preparation Plan. The lead office should develop a written preparation plan which sets limits on the analysis and provides a plan to guide the preparation of the EIS. The preparation plan facilitates coordination between participants involved in the preparation of the EIS and those with approval and oversight responsibilities.

(1) There are no Bureau format or content requirements for a preparation plan. In some cases, program-specific guidance has been prepared which provides specific content and format guidance. A preparation plan generally addresses procedural, organizational, public involvement, coordination and consultation, contracting, cost reimbursement, scheduling and other details regarding the preparation of the EIS as discussed below. (See Paragraph C.2 below for guidance on the content and format of a typical preparation plan.)

(2) Information usually found in a preparation plan is sometimes integrated into other formal documents such as memoranda of understanding or contracts. In resource management planning, the preplanning analysis covers material normally addressed in a preparation plan.

(3) The preparation plan should be approved by the manager responsible for authorizing the proposed action. It is recommended that the State Director, or other appropriate manager with oversight responsibilities, also approve preparation plans. In some cases, depending upon the nature of the project or plan, it may be desirable to obtain a broad review of the preparation plan prior to approval.

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(4) Any significant changes in EIS preparation plans, especially those which affect the schedule or scope of the EIS, should be approved by the manager responsible for authorizing the proposed action and, if necessary, the State Director or other appropriate manager.

c. Develop Strategy for Public Involvement and Interagency/Intergovernmental Coordination and Consultation. Public involvement and interagency/intergovernmental coordination and consultation are essential to scoping as well as to subsequent phases of the EIS process. A written strategy or plan should be developed for involving the public and for coordinating/consulting with other governmental agencies with interest or expertise in the activities or issues being addressed. The plan should be incorporated into the preparation plan.

(1) Members of the public as well as other agencies or organizations known to be interested in or affected by the proposed action should be identified and put on appropriate mailing lists.

(2) Agencies with special expertise or interest in the subject should be notified in order to alert them of potential consultation and coordination needs and to invite them to be cooperating agencies, if appropriate (see Paragraph B.1.g below). Memoranda of understanding or interagency agreements which provide for coordination and consultation should be adhered to or developed, where appropriate, to help guide such activities.

(3) Schedules for public meetings or hearings, mailings, consultations, and other similar activities involved in the scoping process should be developed (see Paragraph B.3.e below). Also consult program-specific guidance for additional requirements.

(4) The lead office is encouraged to use a variety of methods and mediums for keeping the public meaningfully informed of progress and for obtaining their feedback. It is also necessary to develop mechanisms for tracking and recording public involvement. (See Chapter VIII for guidance on recordkeeping.)

d. Define Proposed Action. Defining the proposed action plan is key to subsequent analysis. It is an ongoing process which usually begins prior to the issuance of the NOI. In the case of a BLM-initiated proposal, the proposed action will usually evolve and change based on the results of public input during scoping and subsequent analysis. Thus, for internal proposals, the identification and definition of the proposed action is generally more tentative in the early stages. In the case of an externally initiated proposal, where the BLM is responding to an applicant's proposal, the proposed action reflects what the applicant is specifically proposing to do and should be clearly defined early in the process. Some important considerations in defining the proposed action are:

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(1) Coordination with Applicants. In defining externally proposed actions, coordination with applicants is essential. As soon as feasible, an individual should be assigned to coordinate with the applicant. This early coordination should concentrate on achieving a clear definition of the applicant's proposal so that the Bureau can proceed with the analysis.

(2) Aggregation of Proposed Actions. The determination to consider actions separately or in combination with other actions is important in defining the scope of the analysis as well as defining the proposed action. Proposed actions can be analyzed together and documented in a single EIS when the actions are: generally similar; located in the same geographical area; intended to be implemented at or near the same time; expected to result in cumulative impacts; expected to set a precedent for future actions; or are mutually dependent.

(3) Incorporation of Mitigation. To the extent known, measures which could reduce adverse impacts or enhance beneficial impacts should be incorporated into the proposed action. In the case of externally initiated proposals, this would involve working with the applicant to change the project design in order to reduce or eliminate impacts. Any such changes must be submitted or agreed to by the applicant in writing as an amendment to their initial application and described as part of the proposed action, e.g., design features or management practices, rather than as separate mitigation measures added later.

(4) Conformance Requirement. The proposed action must conform with the existing RMP or MFP for the area (see MS 1617). If it does not and the manager responsible for authorizing the action determines that the proposed action warrants further consideration, then the plan must be amended or revised. (See Chapter I for a discussion of rejections of proposed actions due to nonconformance with an existing land use plan.)

e. Identify Purpose and Need, Alternatives to be Considered, and Impacts to be Analyzed. The BLM must define the purpose and need for the proposed action, identify alternatives to be considered, and determine what impacts need to be analyzed. Public involvement and consultation/coordination with other government agencies are important in accomplishing these tasks.

(1) Purpose and Need. For externally initiated proposals, the purpose and need generally reflects what the applicant intends to accomplish by the proposed action, e.g., to transport and sell natural gas to consumers. In such cases, issues and concerns about the proposed action should be identified as well as the BLM's role in authorizing the action, e.g., the BLM must approve the ROW grant, issuance of lease, etc. For internally initiated proposals, the purpose and need generally reflects the BLM's desire to resolve management or planning issues and concerns, e.g., to establish a management strategy for protecting a sensitive riparian area.

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(2) Alternatives to be Considered. Before impacts can be analyzed in detail, reasonable alternatives to the proposed action -- including the no-action alternative which reflects continuation of current management practices and/or denial of the action -- must be defined. A range of alternatives is initially formulated during scoping and is refined throughout the EIS process. New alternatives can and should be developed and defined as the need arises during preparation of the EIS.

Each alternative, except for the no-action alternative, should represent an alternative means of satisfying the identified purpose and need and of resolving issues. The rationale for considering but not selecting for further analysis certain suggested alternatives must be documented, especially those suggested by the public or other agencies (40 CFR 1502.14 (a)). Consult program-specific guidance for additional requirements on alternatives.

(3) Impacts to be Analyzed. The types of environmental impacts analyzed in the EIS should be identified during scoping and refined, to the extent possible, to precise topics for impact analysis. Generally, these impact topics represent environmental factors which the decisionmaker will consider in arriving at a decision on the proposed action or an alternative. In some cases, impact thresholds may be identified (i.e., minimum or maximum levels of acceptable impact).

f. Identify Information and Data Needs. Early in the process, the lead office should begin to identify information and data needs and availability. Generally this will involve: reviewing and organizing existing information and data; determining what additional information or data are needed, including level of detail; obtaining additional information and data; and determining if there is any incomplete or unavailable information.

Information needs are primarily determined by the extent to which the proposed action and alternatives are likely to affect the quality of the human environment. Information and data from existing analyses (see Chapter III) should be used as appropriate for the analysis, including tiering to and/or incorporating by reference relevant material from such analyses (40 CFR 1502.21). Also identify non-NEPA analyses or technical studies containing data and information that may be used or incorporated by reference into the EIS.

Enough information about the proposed action and alternatives and the environmental setting must be available to analyze potential impacts. Additional data needs should be specifically identified. Use the guidance in 40 CFR 1502.22 if, at any time during scoping or preparation of the EIS, it is determined that relevant information is incomplete or unavailable.

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g. Identify Cooperating Agencies (40 CFR 1501.5, 1501.6, 1508.5 and 1508.16; 516 DM 1.5). The BLM, as lead agency, is responsible for establishing liaison with all Federal, State, local, and Tribal agencies that have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed action and for requesting their participation as a cooperating agency on an EIS, as appropriate. The CEQ has identified areas of jurisdiction by law or special expertise for all Federal agencies (see F.R. Vol. 49, No. 247, 12/21/84).

Before proceeding past the scoping process, the BLM official responsible for preparing the EIS should determine if work with any cooperating agencies is covered by an existing memorandum of understanding (MOU) or interagency agreement (IA). If it is, the MOU or IA should be followed or modified as necessary. If it is not, a formal MOU should be developed which identifies the respective responsibilities of the BLM and the cooperating agency in preparing the EIS. General responsibilities for lead and cooperating agencies are set forth in 40 CFR 1501.6 (a) and (b). If disagreements arise over agency assignments or responsibilities which cannot be resolved at the State Director level, the Director (760) should be consulted for assistance in negotiating a settlement or otherwise resolving the problem.

h. Determine Contracting Needs (40 CFR 1506.5(c)). Contracting may be used for the preparation of an EIS or for certain analyses to support preparation of an EIS. Contracting is useful for providing expertise which the BLM lacks, reducing the amount of effort needed for analysis and document preparation by the BLM, and completing the EIS in a shorter period of time.

There are two principal approaches for contracting environmental documents: standard Federal contracting procedures (competitive procurement); and third-party contracting. Procurement of contracts is subject to the Federal Acquisition Regulation (48 CFR 1). Third-party contracting may be used most effectively for non-Bureau energy initiatives (e.g., power plants and certain rights-of-way). The key element in both approaches is BLM control of analytical standards used, of the products produced and of the schedule. (See Appendix 7 for additional guidance on contracting.)

i. Determine Staffing and Budget Needs and Proposed Schedule.

Staffing and budget requirements, as well as a detailed schedule for preparing the EIS, are usually settled during scoping and incorporated in the preparation plan. The development of a realistic schedule and budget is extremely important. Sufficient time must be allowed and the budget determined for all activities. Early consideration of timeframes, such as building in adequate time for composing and printing the EIS, will minimize unexpected delays or changes in the schedule.

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The team leader is selected early in the scoping process and, in most cases, provides staff support to the appropriate manager throughout the scoping effort. The makeup of the interdisciplinary team is also considered early in the process and may include specialists from other cooperating agencies. The selection and mix of the disciplinary specialists on the team is generally based on the issues and concerns identified during scoping (see 40 CFR 1502.6).

2. Conducting the Analysis and Preparing the Draft EIS. After all data and information has been collected and organized, the interdisciplinary team conducts the analysis and prepares a draft EIS.

a. Conduct the Analysis. The content requirements of the draft EIS should be carefully reviewed prior to conducting the analysis (see Paragraph C.3 below). In some cases, it may be useful to develop a mock up of the EIS to help guide subsequent work. The analysis generally involves:

(1) Describing the existing environment, in particular focusing on resources and conditions in the human environment which will be affected by the proposed action or alternatives (40 CFR 1502.15). Critical elements which are listed in Appendix 5 are subject to statutory, regulatory, or other requirements and their current status should be described in all EIS's. If such elements are not described in detail, a brief explanation of why they are not addressed should be documented (e.g., not present or not affected).

(2) Refining the description of the proposed action and alternatives, including when necessary the formulation of new alternatives (40 CFR 1502.14). To the extent possible, mitigation should be incorporated into the proposed action or alternatives as design features or management practices. For externally initiated proposals, the applicant must concur (in writing) with any modifications to the proposed action.

(3) Analyzing the impacts of the proposed action and each alternative on the affected environment (40 CFR 1502.16). The manager and team leader preparing the EIS have flexibility and discretion in determining how the analysis is accomplished. The objective should be to find the most efficient method(s) of estimating potential impacts.

The analysis of impacts should be based on the premise that all standard operating procedures and other standard Bureauwide requirements will be followed in implementing the proposed action and alternatives unless changes in such practices are specifically being addressed in the analysis or considered in an alternative.

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When analyzing impacts, consider the effects of actions from the perspective of future generations in addition to considering their immediate effects. In other words, analyze short-term uses of the environment in terms of their effects on long-term productivity of resources and the irreversible and irretrievable commitments of resources resulting from those uses. To the extent possible, the analysis of impacts should be quantified. All impacts should be evaluated against the requirements in 40 CFR 1508.7, 1508.8, and 1508.27. Where there is incomplete or unavailable information for evaluating reasonably foreseeable significant adverse impacts, the procedures identified in 40 CFR 1502.22 must be followed.

(4) Developing and analyzing mitigation measures (40 CFR 1502.14(f) and 1508.20). Mitigation measures which could reduce adverse impacts or enhance beneficial impacts and which have not been incorporated in the proposed action or an alternative must be identified and analyzed. The analysis should address the anticipated effectiveness of these mitigation measures in reducing adverse impacts or enhancing beneficial impacts. Analyze any residual impacts or unavoidable adverse impacts which remain after mitigation measures have been applied as well as any further impacts caused by the mitigation measures themselves.

(5) Identifying appropriate monitoring and enforcement activities for mitigation measures (40 CFR 1505.2(c)). Generally, it is recommended that monitoring activities proposed to meet the intent of NEPA be clearly distinguished from monitoring required by program-specific guidance and/or discretionary monitoring activities (see Chapter VI).

b. Select the Preferred Alternative. The manager responsible for preparing the EIS should select the BLM's preferred alternative. For internally initiated proposals, the agency's preferred alternative is the proposed action. For externally initiated proposals, i.e., when the BLM is reacting to an application, the BLM selects its preferred alternative unless another law prohibits such an expression (516 DM 4.10A). This means that if the BLM has a preferred alternative, it must be identified as such in the draft. If the BLM does not have a preferred alternative or desires to issue the draft EIS without identifying the preferred alternative, approval must be obtained from OEPR and the Solicitor's Office. The selection of the preferred alternative should be based on the environmental analysis as well as consideration of other factors which influence the decision or are required under another statutory authority.

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c. Prepare a Preliminary Draft EIS. A preliminary draft EIS is prepared in accordance with the format and content requirements discussed in Paragraph C.5 below. The preliminary draft EIS is internally reviewed. Internal review procedures may vary according to the issues being addressed and the nature of the proposed action. Usually, line managers, affected program offices in the State Office as well as cooperating agencies participate in the review process. In some instances, a Washington Office (WO) or Departmental review of the preliminary draft EIS may be required.

d. Complete the Draft EIS. The team revises the preliminary draft on the basis of internal review comments. A final review by the State Director is usually required before approval is given to release the document as a draft EIS for public review. In some instances, WO or Departmental approval may be required.

3. Issuing the Draft EIS. Once approved, the draft EIS is printed, filed with the Environmental Protection Agency (EPA), and issued for public review and comment.

a. Print the Draft EIS. All EIS's are prepared for printing in accordance with BLM Manual Section 1551. EIS's are not subject to the requirements of Form DI-550, Publications Approval Request and Control Document, as prescribed in 471 DM 4. However, the DI-550A (worksheet) may be required on a local level to coordinate printing activities.

b. File With EPA. File the draft EIS with the EPA in accordance with procedures identified in Chapter VIII. The EPA will then publish notice of the filing in the Federal Register. The date the EPA notice appears in the Federal Register initiates the public review period. At least 60 days from the date the draft EIS is transmitted to EPA must be allowed for public review (516 DM 4.24). Consult program-specific guidance for additional requirements regarding filing procedures and public review periods, e.g., 90-day review requirement for the draft RMP/EIS.

c. Notify the Public of the Availability of the Draft EIS for Review. On actions with effects of national concern or if required in program-specific guidance, the BLM must publish a notice of availability (NOA) of the draft EIS in the Federal Register. Content and format guidance for an NOA is discussed in Paragraph C.5 below. Procedures for publishing the NOA in the Federal Register are identified in Chapter VIII. A press release is usually prepared for national and/or local media to announce the availability of the draft and to announce any public meetings or hearings.

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d. Distribute the Draft EIS. Generally, distribution should begin when the draft EIS is transmitted to EPA for filing. The standard distribution of EIS's to Interior and other Federal agencies is identified in Appendix 8. Copies must also be distributed to individuals, organizations, and agencies on the mailing list and to participants in public meetings. (Also see 40 CFR 1503.1.) Comments from State and local agencies must be requested in accordance with procedures established under Executive Order 12372 (see 516 DM 4.16 and 511 DM). The printer may be provided a copy of the distribution list and be responsible for the initial distribution of EIS's. Sufficient copies must be printed and available in appropriate BLM offices for distribution to those who request a copy during the review period. Copies should also be available for public review in the State Office and the appropriate Area or District Office(s). Documents incorporated by reference in the draft EIS must also be available for public review in suitable locations.

e. Hold Public Meetings/Hearings. Public meetings should be held to receive comments on the draft EIS whenever required by another statutory authority or whenever otherwise appropriate. The criteria for determining whether it is appropriate to hold a meeting (in those cases when it is not a statutory or regulatory requirement) are set forth in 40 CFR 1506.6(c). Formal public hearings may be required in specific cases. Public hearings have more stringent requirements for conducting the hearing and recording the proceedings. Consult 455 DM 1 and program-specific guidance for requirements related to public hearings. The following guidance applies to public meetings:

(1) Scheduling Meetings. Public meetings should be scheduled to provide the public with a reasonable opportunity to review the draft EIS prior to the meeting. Generally, the meeting should not be held sooner than 15 days after the EPA notice of filing. However, meetings should not be held so late in the comment period as to preclude attendees from submitting written comments or prevent the team from having adequate time to respond to the comments.

(2) Announcing Meetings. If public meetings are to be held, it is desirable to announce their dates, times, and locations in the Federal Register, usually in the NOA, as well as in a press release to local media. It is recommended that planning for the meeting(s) be completed before distributing the draft EIS. Meetings may be announced locally prior to the printing of EPA's Federal Register notice.

(3) Conducting Meetings. Public meetings may be conducted using a variety of formats. Records of public meetings should be maintained, including a list of attendees (as well as addresses of attendees desiring to be added to the mailing list) and notes or minutes of the proceedings.

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4. Analyzing the Comments and Preparing the Final EIS. Following the public review period, comments must be analyzed, appropriate responses prepared, the EIS changed as appropriate, and a final EIS issued.

a. Evaluate and Respond to Public Comments. Public comments (written or oral) play an integral role in the NEPA process. Comments on the draft EIS differ from public involvement earlier in the process because this is the first chance the public has to review and comment on the impact analysis and the agency's preferred alternative and/or proposed action. Comments are addressed if they: are substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve substantive disagreements on interpretations of significance (see 40 CFR 1502.19, 1503.3, 1503.4, 1506.6, and 516 DM 4.17). Several typical types of comments and appropriate responses are discussed below.

(1) Comments on Inaccuracies and Discrepancies. Factual corrections should be made in the EIS in response to comments which identify inaccuracies or discrepancies in factual information, data, or analysis.

(2) Comments on the Adequacy of the Analysis. Comments which express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.

(3) Comments Which Identify New Impacts, Alternatives, or Mitigation Measures. If public comments on a draft EIS identify impacts, alternatives, or mitigation measures which were not addressed in the draft, the manager responsible for preparing the EIS should determine if they warrant further consideration. If they do, that official must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in either: the final EIS; a supplement to the draft EIS; or a completely revised and recirculated draft EIS.

(4) Disagreements With Significance Determinations. Comments may directly or indirectly question determinations regarding the significance or severity of impacts. A reevaluation of these determinations may be warranted and may lead to changes in the EIS. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.

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(5) Expressions of Personal Preferences. Comments which express personal preferences or opinions on the proposal do not require a response. They are summarized whenever possible and brought to the attention of the manager responsible for preparing the EIS. Although personal preferences and opinions may influence the final selection of the agency's preferred action, they generally will not affect the analysis.

b. Prepare a Preliminary Final EIS. All substantive comments, changes, corrections, and revisions are incorporated into a preliminary final EIS. Interdisciplinary team members are generally responsible for the same sections of the manuscript in the final EIS as in the draft EIS. (See Paragraph C.4 below for a discussion of alternative formats for the final EIS.) Regardless of its format, the new manuscript, with a new cover sheet, should be submitted for internal review as a preliminary final EIS.

c. Reevaluate and Revise, If Necessary, the BLM's Preferred Alternative or Proposed Action. The manager responsible for preparing the EIS reevaluates and revises, if necessary, the selection of the BLM's preferred alternative or proposed action based on changes in the impact analysis, public comments, and internal review comments. If the BLM did not identify a preferred alternative in the draft EIS, the manager must make that selection for the final. If the preferred alternative or proposed action is outside the scope and analysis in the draft EIS then a supplement must be prepared (see Chapter III, Paragraph D). The manager responsible for authorizing the action must approve the final EIS for release to the public.

5. Issuing the Final EIS. Following approval of its release, the final EIS is printed, filed with EPA, and distributed to the public. (See Paragraph B.3 above for guidance on printing, filing, and distributing the EIS.) For actions with effects of national concern or if required by program-specific guidance, a BLM notice of availability (NOA) must be published in the Federal Register. (See Chapter VIII for guidance on publishing Federal Register notices.) It is recommended that a press release be issued on the final EIS. The final EIS must be made available to the public for a minimum of 30 days. The date the EPA notice appears in the Federal Register initiates the 30-day availability period.

6. Reaching and Recording the Decision. Following the 30-day availability period, a decision may be made. Decisions on an EIS are recorded in a concise public record of decision (ROD). No action concerning a proposal may be taken until the ROD has been issued, except under conditions specified in 40 CFR 1506.1. Additional guidance on the timing of the ROD is found in 40 CFR 1506.10.

NOTE: Consult with the Director (760) regarding use of the exception to the 30-day delay between the release of the final EIS and the issuance of the ROD set forth in 40 CFR 1506.10(b)(2).

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The evaluation of comments, if any, received on the final EIS during the 30-day availability period and the documentation of the decision are discussed below.

a. Evaluate Public Comments. Generally, new substantive or other comments which necessitate revisions in the EIS are not received on the final EIS. However, comments on the final, if any, should be reviewed to determine if they have merit, e.g., identify significant issues not previously addressed or introduce new significant information. If so, the manager responsible for preparing the EIS must determine whether a supplemental draft EIS or supplemental final EIS is warranted. If not, the commentor should be advised, if possible and appropriate, of the availability date for the ROD.

b. Document the Decision. If no changes are warranted, an ROD is prepared which documents the selected alternative as well as mitigation measures. As previously indicated, and unless an exception has been granted, the ROD is not issued until the 30-day no-action period has lapsed following the publication of the EPA notice on the final EIS in the Federal Register and other program-specific requirements, if any, have been met. The ROD is a written document which must be signed by the manager with the authority to make the decision. The ROD may be integrated with any other record prepared by the BLM (40 CFR 1505.2). Consult program-specific guidance for any additional requirements regarding the preparation of ROD's. (See Paragraph C.6 below for format and content guidance for the ROD.)

c. Advise the Public of the Availability of the ROD. The public must be advised of the availability of the ROD (40 CFR 1506.6). This should be through an NOA in the Federal Register for an action of national concern as well as through local and regional news media. (See Chapter VIII for guidance on publishing Federal Register notices.) A copy of the NOA and/or ROD must be provided to those who have requested it. A copy of the NOA and/or ROD should also be provided to substantive commentors on the draft or final EIS and to others known to have a strong interest in the proposal(s). Generally, the funding office in Washington will specify WO or other distribution requirements, e.g., a copy of the ROD for RMP's or plan amendments must be provided to WO-760. Consult program-specific guidance for additional requirements on the distribution of ROD's or records which incorporate ROD's.

C. Documentation.

1. The Notice of Intent (40 CFR 1508.22). The NOI must be formatted in accordance with Federal Register guidance on notices (see Chapter VIII). Otherwise, there are no format requirements for the NOI. A sample NOI is shown in Illustration 1. To the extent practical, the NOI should be combined with other required notices. At a minimum, the following information must be briefly discussed in an NOI:

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a. Briefly describe the proposed action and alternatives. In the case of some BLM-initiated actions, where the proposed action has not yet been developed in detail, the reason for initiating the EIS should be clearly stated (e.g., to consider an amendment to an existing RMP for the purpose of establishing right-of-way corridors).

b. Briefly describe the process that will be used in scoping the EIS, including whether, when, and where any scoping meetings will be held.

c. Identify the name and address of the individual to contact for more information.

2. The Preparation Plan. The preparation plan is an internal document and may be combined or incorporated with other documents or records as appropriate. There are no specific format or content requirements for a preparation plan; however, it should generally incorporate actions and determinations addressed during scoping. It may include the following:

a. A brief description of the proposed action.

b. Purpose and need to which the BLM is responding in proposing the alternatives, including the proposed action.

c. Relationship to and identification of relevant studies including previous EIS's or EA's prepared by the BLM as well as by other agencies within the region or for similar actions. Conformance with existing RMP or MFP (or other relevant plans) should also be discussed.

d. Scope of the analysis planned for the EIS, including alternatives to the action, major issues, and potential impacts to be addressed. The level of detail and analysis for the EIS are defined, along with the geographical coverage and subject matter limitations placed on the analysis.

e. Anticipated data and information needs, to the extent known.

f. Public participation plan for the EIS, including the strategy for all scoping actions involving the public and Federal, State, local and Tribal agencies as well as scheduled meetings and/or public hearings. Methods for informing groups or individuals of progress on the EIS as well as participation and review opportunities should be specifically identified.

g. Identification of agency responsibilities, including lead and cooperating agency responsibilities, and the need for MOU's or IA's. If more than one BLM office (e.g., more than one State, District, or Area Office) will be involved, the level and nature of involvement of each office should be identified.

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h. Team organization and responsibilities including identification of disciplines, staffing assignments, and contracting oversight assignments.

i. A proposed schedule for completing the EIS, including target dates and deadlines for completion of various activities. Factors to consider in scheduling the EIS are set forth in 40 CFR 1501.8.

j. A proposed budget for the EIS.

k. Cost reimbursement procedures for the EIS, if applicable (see BLM Manual Section 1323).

l. A preliminary outline of the EIS (format and content mock up) and any page limitations or other document length or format standards (e.g., maps).

3. The Draft Environmental Impact Statement. The standard format for an EIS is described in 40 CFR 1502.10. Guidance on using alternative formats and for combining the EIS with other documents is provided in 516 DM 4.6. Program-specific guidance may identify additional format and content requirements or options. General guidance on the length of the EIS and the writing style are set forth in 40 CFR 1502.7 and 1502.8. Detailed content guidance is described in 40 CFR 1502.10-1502.18 and 1502.25. The required as well as recommended content and format of an EIS is listed below.

a. Cover Sheet (required by 40 CFR 1502.10(a); also see 40 CFR 1502.11, 1502.25, and 516 DM 4.7, 4.15). The cover sheet consists of one page containing:

(1) Title of the proposed action and its location, i.e., State and counties (as well as titles and location of related cooperating agency actions, where appropriate).

(2) Designation as Draft EIS or Supplemental Draft EIS.

(3) Identification of lead agency and cooperating agencies.

(4) Name, address, and telephone number of the lead agency person who can supply further information or receive comments.

(5) One paragraph abstract of the statement.

(6) Brief statement indicating whether the EIS is intended to serve any other environmental review or consultation requirements pursuant to 40 CFR 1502.25 (a) (see 516 DM 4.7 and 4.15).

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(7) Date the draft EIS is issued (month/year).

(8) Date by which comments must be received.

(9) Name and title of manager responsible for preparing the EIS and of the official responsible for authorizing the action, e.g., State Director (optional).

b. "Dear Reader" Letter. An open letter to reviewers, signed by the manager responsible for preparing the EIS, may be used to request review and comment on the draft. This letter may be used to inform the reader of other details which may be pertinent to the review, e.g., if an abbreviated final EIS is anticipated, suggest that the reader retain the draft for reference.

c. Summary (required by 40 CFR 1502.10(b); also see 40 CFR 1502.12 and 516 DM 4.8). This section amounts to an executive summary, 15 pages or less, of the EIS. It should emphasize those considerations, controversies, and issues which significantly affect the quality of the human environment (516 DM 4.8). It should also identify the BLM's preferred alternative.

d. Table of Contents (required by 40 CFR 1502.10(c)). For complex EIS's a table of contents may also be inserted at the beginning of each chapter.

e. Introduction.

(1) Purpose and Need (required by 40 CFR 1502.10(d); also see 40 CFR 1502.13 and 516 DM 4.9). This section briefly specifies the purpose and need to which the BLM is responding in proposing the action, or the purpose intended by a private party or government agency in proposing the action. The purpose of and need for the action must be stated objectively. This section should also identify the authority under which the action is being proposed. Avoid lengthy discussions of historical factors.

(2) General Location. Include a general location map which identifies the location of the proposed action which is the subject of the EIS.

(3) Relationship to BLM Policies, Plans, and Programs. Explain the relationship of this action to BLM policies, plans, and programs. The RMP or MFP conformance determinations should be documented in this section, including the names and dates of approval of such plans. Summarize land use determinations which affect the proposed action or alternatives.

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(4) Relationship to Non-BLM Policies, Plans, and Programs.

Explain how the proposed action relates to the policies, plans, programs, controls and management practices of other Federal, State and local agencies, and private organizations. Any land use planning or zoning statutes or requirements which may affect or limit the proposal should be discussed.

(5) Authorizing Actions (40 CFR 1502.25 (b)). Identify the actions necessary to authorize the proposed action or alternatives. Include Bureau actions to authorize applicant proposals (e.g., granting right-of-way) and actions by other Federal, State, and local entities which would be required for implementation (e.g., obtaining State or local permits).

f. Alternatives Including the Proposed Action (required by 40 CFR 1502.10(e); also see 40 CFR 1502.14). This section describes the proposed action and alternatives, summarizes the environmental impacts, and identifies alternatives considered but eliminated from detailed analysis.

(1) Bureau's Proposed Action and/or Preferred Alternative.

Identify the Bureau's proposed action and/or preferred alternative, generally in the applicable description. Briefly explain the rationale for the selection of the preferred alternative, including factors other than environmental considerations which influenced the choice.

(2) Proposed Action. Provide a complete description of the proposed action: steps, phases, or timing of activities; location(s) or extent of activities; and any constraints, parameters, project design features, or management practices which may limit the impacts, i.e., mitigation which has been incorporated into the proposed action. Monitoring requirements associated with the proposed action should also be described.

(3) Alternatives. Describe the no-action alternative and all reasonable alternatives, including related monitoring requirements, to the same level of detail as the proposed action. Be sure to fully describe any features which are intended to limit the impacts, i.e., mitigation which has been incorporated into an alternative. How each alternative, with the exception of the no-action alternative, will generally accomplish the purpose and need for action should be indicated.

The no-action alternative should describe what would occur if the proposed action or other alternatives were not implemented. In some cases, no action would be defined as no change from current management direction or level of intensity, not a freezing of the existing situation. In other cases, such as for project proposals, no action would mean not allowing the proposed action or any reasonable alternative to be implemented; denying the action.

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Indicate if an alternative is not within the jurisdiction of the lead agency. In some cases, a reasonable alternative may be defined which violates an existing statutory, regulatory or other requirement. This does not preclude its consideration in the EIS, however, changes in existing laws, regulations, etc., which would be needed to select or implement the alternative, should be identified.

(4) Features Common to all Alternatives. Describe features which are common to more than one alternative. Such features must be described but need only be described in detail once, e.g., identify such features in the description of the proposed action and cross-reference to that description in the discussion of each alternative to which they apply. Another option is to describe common features under a separate heading. Common features include, but are not limited to, any standard operating procedures or other Bureauwide requirements which are prescribed by law, regulation, or manual guidance and apply to the proposed action as well as alternatives. Consult program-specific guidance to identify legally required or standard operating procedures.

(5) Summary of Environmental Impacts. Provide a summary comparison of the environmental impacts of the proposed action and the alternatives, based on the results of the analysis in the sections on the Affected Environment and Environmental Consequences. This is best done with both tables and narrative. Tables are useful for displaying the impacts so the reader can observe the major differences across the alternatives. The narrative should not simply repeat impacts and key elements from the tables but should highlight the differences in impacts. This discussion should not, however, contain value judgements regarding the relative merits of the alternatives, e.g., rankings from best to worst. The summary analysis should be objective and, to the extent possible, quantified.

(6) Alternatives Considered but Eliminated from Detailed Analysis. Describe any alternatives, including those suggested by the public or other agencies during scoping, which were at one time considered but were eliminated from detailed analysis. Also provide a brief rationale for their exclusion from consideration.

g. Affected Environment (required by 40 CFR 1502.10(f); also see 40 CFR 1502.15). This section should describe the components of the human environment including the physical, biological, social, and economic resources and conditions that would be affected by the alternatives considered. Descriptions should be quantified, if possible, and they should be no longer than is absolutely necessary to understand the impacts of the alternatives. It is not necessary or desirable to fully describe parts of the environment that would not be affected in a significant way, although they may be noted in an introduction. This section serves as a baseline showing conditions, including trends in those conditions, as they exist prior to the initiation of the proposed action or any alternative.

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Describe the relative importance of the affected resource and its relationship to the region. Sensitive environmental elements and values which do not fit traditional resource categories, but which may be affected, must be considered. It is important that critical elements which are subject to statutory, regulatory or other requirements be fully addressed in the EIS (see Appendix 5). Identify critical elements which are not present or not a part of the affected environment in the description of the affected environment.

Reduce the narrative in this section by incorporating materials by reference (see Chapter III). Sources of data and information and other technical reference materials which are used in the preparation of the description of the affected environment, but are not incorporated by reference, should be cited in footnotes where appropriate and included in the bibliography for the EIS. Identify incomplete or unavailable information as defined in 40 CFR 1502.22 and describe efforts that were made to obtain it.

h. Environmental Consequences (required by 40 CFR 1502.10(g); also see 40 CFR 1502.16). The topics discussed below are appropriate to the section in the EIS on environmental consequences, but need not be used as individual section headings. How the information is organized is up to the manager responsible for preparing the EIS. If the EIS is combined with another document, this section must be added to the combined document, must contain all the environmental analysis, must be clearly labeled, and must be distinctly separated from the other material, i.e., not interwoven with the rest of the document (516 DM 4.6).

Information and analyses may also be effectively incorporated by reference in the environmental consequences section of the EIS to help reduce the bulk of the narrative. All source material and technical references should be cited in footnotes, where appropriate, and included in the bibliography for the EIS.

(1) Assumptions and Assessment Guidelines. Describe assumptions and assessment guidelines used in analyzing the environmental consequences, either in a separate section or in the discussion of impacts. This information provides the reader with a basis for understanding and judging the reliability of the impact analysis. Identify any criteria, time-frames, rates of change, and other common data or ground rules for analysis which were used by team members in conducting the analysis. Clearly explain the methodology and assumptions used when information critical to the analysis was incomplete or unavailable (see 40 CFR 1502.22).

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(2) Impacts of the Proposed Action and the Alternatives.

Analyze and describe the direct, indirect, and cumulative impacts on the quality of the human environment of the proposed action and each alternative analyzed in detail, including the no-action alternative. Also identify possible conflicts between the proposed action (and each alternative) and the objectives of Federal, regional, State, local, and Indian tribal land use plans, policies, and/or controls for the area concerned. Describe the energy and natural or depletable resource requirements and conservation potential of the proposed action and each alternative. Discuss, where applicable, urban quality, historic and cultural resources, and the design of the built environment including the reuse and conservation potential of the proposed action and each alternative. The magnitude of all impacts should be identified and the risks associated with such impacts assessed. The description of impacts should identify how short-term uses of the environment will affect long-term productivity of resources and identify any irreversible and irretrievable commitments of resources resulting from those uses.

Clarity of expression, logical thought processes, and rational explanations are far more important than length or format in the discussion of impacts. Subjective terms should be avoided. The analysis should lead to a pointed conclusion about the amount and degree of change (impact) caused by the proposed action and alternatives. To the extent possible, the level of certainty associated with such conclusions should be noted. The impact analysis may be either organized by alternative or by resource.

(3) Mitigation Measures. Analyze and describe any mitigation measures which could be implemented to avoid or reduce the projected impacts of the proposed action or alternatives. It is recommended that the discussion distinguish between those measures which the BLM has the authority and resources to enforce or implement and those which the BLM does not have the authority and resources to enforce or implement. Identify the effectiveness of the mitigation measures in reducing adverse impacts or enhancing beneficial impacts, including any residual impacts or unavoidable adverse impacts which remain after mitigation measures have been applied. Also identify any further impacts caused by the mitigation measures themselves. Where applicable, discuss the energy and natural or depletable resource requirements and conservation potential of mitigation measures as well as the reuse and conservation potential of mitigation measures associated with urban quality, historic and cultural resources and the design of the built environment.

1. Consultation and Coordination.

(1) Scoping. Briefly describe the scoping process, including efforts to involve the public in the preparation of the EIS. Summarize the results of scoping meetings and the use of comments received during the scoping process. Also identify agencies and organizations consulted during the scoping process and describe the results of coordination and consultation activities. Describe other surveys or studies required by law or executive order which have been satisfied and integrated with the EIS (40 CFR 1502.25).

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(2) List of Agencies, Organizations and Persons To Whom Copies of the Statement Are Sent (required by 40 CFR 1502.10(i)). List all agencies, organizations and persons who are being sent a copy of the EIS for review.

j. Other Material.

(1) List of Preparers (required by 40 CFR 1502.10 (h); also see 40 CFR 1502.17). List the names, together with the qualifications, of persons primarily responsible for preparing the EIS or background papers.

(2) Glossary.

(3) References. Include all references cited in the text.

(4) Index (required by 40 CFR 1502.10 (j)).

(5) Appendices, if any (as specified in 40 CFR 1502.10(k); also see 40 CFR 1502.18 and 516 DM 4.11).

4. The Final Environmental Impact Statement.

a. Abbreviated Final EIS. If minor changes are made in the draft EIS in response to comments, consisting of technical, editorial, or nonsubstantive factual corrections, then an abbreviated final EIS may be prepared. An abbreviated final EIS only contains copies of substantive comments received on the draft, responses to those comments, and an errata section with specific modifications and corrections to the draft EIS in response to comments (40 CFR 1503.4). No rewriting or reprinting of the draft EIS is necessary. For EIS's requiring the approval of the Assistant Secretary for Policy, Budget and Administration, the manager responsible for preparing the EIS should consult with the Office of Environmental Project Review when proposing to prepare an abbreviated final EIS (516 DM 4.17C).

b. Full Text Final EIS. If the required changes are major, the final EIS should be a complete full text document. The content of a full text final EIS is substantially the same as the corresponding draft EIS except that it includes copies of substantive comments on the draft EIS, responses to those comments as well as changes in or additions to the text of the EIS in response to comments (40 CFR 1503.4). A full text final EIS may incorporate by reference the appendices of the draft EIS.

NOTE: The availability of a full text final EIS aids subsequent use of the document for tiering and supplementing purposes.

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5. The Notice of Availability. The BLM must publish a notice of availability (NOA) in the Federal Register for the draft EIS, final EIS, and ROD on actions with effects of national concern or if required by program-specific guidance. There are no format or content requirements for an NOA other than those associated with the preparation of notices for publication in the Federal Register (see Chapter VIII). In addition to announcing the availability of a document and the public review period where applicable, the NOA will generally identify the purpose of the document, describe the proposed action and alternatives, and indicate the dates and location of public meetings on the document. Consult program-specific guidance for any other content requirements. A sample NOA is shown in Illustration 2.

6. The Record of Decision. (40 CFR 1505.2) The ROD is a separate and concise public record which links the manager's decision to the analysis presented in the EIS. The ROD shows how environmental impacts and other factors were considered in the decisionmaking process. The ROD must clearly identify the decision, including mitigation measures required as part of the decision; identify all alternatives considered, including the alternative(s) considered to be environmentally preferable; and state whether all practicable methods to reduce environmental harm were adopted and, if not, why not. It should also summarize monitoring and enforcement activities for mitigation measures. The ROD must be signed and dated by the manager responsible for authorizing the action. The ROD may be integrated with any other record prepared by the BLM. Consult program-specific guidance for other requirements associated with certain kinds of actions (e.g., the Competitive Coal Leasing Handbook, H-3420-1, contains guidance on ROD's involving regional coal sales).

A suggested format, which satisfies the ROD content requirements specified in 40 CFR 1505.2, is provided below:

a. Introductory Material. A cover sheet may be prepared which includes the following information. Otherwise most of this information is included at the top of the first page.

- (1) Title.
- (2) Project or case file identification number, if applicable.
- (3) Preparing office and office location.
- (4) Cooperating agencies, if any.
- (5) Signature and title of the responsible official, and signature and title of concurring officials, if any (signature(s) may appear on the last page of the ROD if a cover sheet is not prepared).
- (6) Date of signature of approving and concurring officials (this is the official date of the ROD).

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b. Summary. A summary is needed only if the ROD exceeds 10 pages. It should be a brief synopsis of the ROD.

c. Decision (40 CFR 1505.2(a)). A clear and concise description of the approved action should be prepared. All important aspects or details of the decision should be identified. There should be no ambiguities regarding the specifics of what is or is not being approved.

d. Alternatives Including the Proposed Action (40 CFR 1505.2(b)). Identify the alternatives considered. Identify the "environmentally preferable" alternative(s) in this section.

e. Management Considerations (40 CFR 1505.2(b)). This section provides the rationale for the decision. Discuss factors, including national policy considerations, which were important and relevant to the decision. Discuss social, economic, and other pertinent considerations weighed in the decisionmaking process.

f. Mitigation and Monitoring (40 CFR 1505.2 (c)). Committed mitigation measures and related monitoring and enforcement activities, if any, for the selected alternative are presented here. Stipulations which will become part of the Bureau's authorization should be attached to the ROD or incorporated by reference. Indicate whether all practicable means to avoid or reduce environmental harm have been adopted. Measures to avoid or reduce environmental harm which were not selected should also be identified with a brief explanation of why such measures were not adopted.

g. Public Involvement. Briefly describe efforts to seek public views throughout the NEPA process.

D. Implementation and Monitoring. Until the ROD has been signed and at least 30 days following the release of the final EIS, no action having either an adverse environmental effect or which would limit the choice of alternatives can be taken (40 CFR 1506.1(a)). Following approval of the ROD and the satisfaction of all other program-specific procedural requirements, implementation may begin. Implementation actions must be in accordance with the decision(s) as documented in the ROD. No substantive changes may be made in the implementation of the decision without reconsideration of NEPA compliance needs.

Monitoring and enforcement activities for mitigation measures are generally specified in the ROD as an element of the decision. Most other monitoring activities, however, will not be specified in the ROD. A monitoring plan is recommended for most actions requiring an EIS and should be developed as soon as possible after approval of the ROD (see Chapter VI).

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SAMPLE NOTICE OF INTENT

The following is a sample NOI for a third party EIS. Please note that when submitted to the OFR, the Federal Register notice must be doubled spaced and prepared in accordance with guidance set forth in Chapter 8.

(Billing Code)

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Notice of Intent to Prepare an Environmental Impact Statement (EIS) on a Proposed Coal-fired Steam/Electric Generating Plant, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) on a Coal-fired Steam/Electric Generating Plant in Northeastern Nevada and Notice of Scoping Meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Elko District, will be directing the preparation of an EIS to be prepared by a third party contractor on the impacts of a proposed coal-fired steam/electric generating plant, the Thousand Springs Energy Park (TSEP) project, proposed on public and private lands in Elko County located in northeastern Nevada.

DATES: Written comments will be accepted until July 27, 1988. A public scoping meeting will be held beginning at 7 p.m. on July 6, 1988, at the Ranch House Cafe at the intersection of State Highway 93 and Interstate 80 in Wells, Nevada. Additional briefing meetings will be considered as appropriate.

ADDRESS: Comments should be sent to the District Manager, Bureau of Land Management, P.O. Box 831, Elko, NV 89801, ATTN: Thousand Springs Energy Park Project.

FOR FURTHER INFORMATION CONTACT: Nancy Phelps-Dailey (702) 738-4071

SUPPLEMENTARY INFORMATION: The TSEP project will be jointly owned by Sierra Pacific Resources and a consortium of private interests. It is anticipated that the energy output and capacity of the plant will serve California, Nevada, and other western States. Sierra Pacific Resources (SPR) will act as the Project Manager and Operating Manager for the proposed project.

The site selection study for the proposed plant was conducted in 1981. Several sites were identified in a statewide survey as being environmentally and technically satisfactory for power plant development. Potential issues include, but may not be limited to, air quality, social and economic impacts, ground and surface water quantity, waste disposal, wildlife and the land tenure adjustment.

The proposal includes construction of generating units near Toano Draw in Thousand Springs Valley, Elko County, Nevada. Coal will be supplied from mines in Utah and Wyoming, and is proposed to be delivered to the plant site by rail via Cobre or Wells, Nevada. A total of six million tons per year is expected to be required at full capacity. The proposed plant site is located near the Southern Pacific Railroad. Studies are underway to determine the optimum rail spur location into the site.

The planned size and arrangement of the overall project takes into account the airshed capacity in the Toano Draw area. Meteorological and air quality monitoring has been conducted to document pre-project air quality which is considered good. Emissions control equipment will be employed to comply with Nevada State law and Environmental Protection Agency regulations. Ground level pollutant concentrations will not exceed levels permitted by National Ambient Air Quality Standards. The plant would require approximately 30,000 acre-feet of water annually. Water rights associated with SPR's land holdings in Thousand Springs Valley would be expected to be sufficient to meet these requirements. Water is proposed to be delivered from well fields to the plant using a system of pipelines.

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Energy generated at the plant will be conveyed via new power transmission facilities. Transmission corridors and terminals for distributing power will not be finally determined until participating utilities have been identified. SPR plans to use designated and planned utility corridors as identified in Federal land use plans within Nevada to the maximum practical extent. Land use amendments may be necessary to accommodate some facilities.

Construction of the units would continue over approximately 20 years beginning in early 1991, with the first operating unit proposed to be ready for commercial operation in 1994. Thereafter, successive units are proposed to be ready for operation at approximately two-year intervals. Estimates of the average and peak construction labor force, as well as the plant operating force, are currently being developed. The proposed project would be constructed in a sparsely populated area and most of the project work force would be assembled from beyond reasonable commuting distances. Alternative project planning includes providing living accommodations for workers at the site, or in nearby communities.

Construction of the power plant is expected to require approximately 2,500 acres, of which the majority would be used for the coal stockpile and waste disposal ponds. Public lands (presently managed by the Bureau of Land Management) will be required for the TSEP project in addition to private land holdings. The public lands needed to accommodate the power plant proposal would be acquired by SPR through a land exchange with the Bureau of Land Management.

The Toano Draw area, which has a checkerboard public/private land ownership pattern has been identified by SPR as best suited for the proposed project. In exchange for approximately 11,600 acres of public land in Toano Draw, the Bureau of Land Management would acquire approximately 11,500 acres of private land in the Snake Mountain Range west of Wells, Nevada. Those lands are considered to be high resource value lands that would provide important range, wildlife, watershed and recreation management opportunities for the Bureau of Land Management and the public.

The no-action alternative will be analyzed in the EIS. Items to be considered for analysis within other alternatives to the proposed action include, but are not limited to: (1) Intermediate plant capacity, (2) Other types of power generating technology, (3) Scheduling of units, (4) Power plant sites, (5) Transmission line routes, (6) Location of worker accommodations, (7) Fuel supply and transport, (8) Water supply, and (9) Plant equipment.

The tentative project schedule is as follows:

- Begin Public Comment Period - February 1990
- File Final Environmental Impact Statement - August 1990
- Record of Decision - September 1990
- Complete Licensing and Permitting - May 1991
- Begin Construction of Unit 1 - Early 1991
- Begin Commercial Operation of Unit 1 - Early 1994

The Bureau of Land Management's scoping process for the EIS will include: (1) Identification of issues to be addressed; (2) Identification of viable alternatives and (3) Notifying interested groups, individuals and agencies so that additional information concerning these issues can be obtained.

The scoping process will consist of a news release announcing the start of the EIS process; letters of invitation to participate in the scoping process; and a scoping document which further clarifies the proposed action, alternatives and significant issues being considered to be distributed to selected parties and available upon request.

Fred Wolf
Associate State Director, Nevada

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SAMPLE NOTICE OF AVAILABILITY

The following is a sample NOA for a draft RMP/EIS. Please note that when submitted to the OPR, the Federal Register notice must be doubled spaced and prepared in accordance with guidance set forth in Chapter 8.

(Billing Code)

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Notice of Availability of Draft West Hi-Line Resource Management Plan/Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability of the Draft West Hi-Line Resource Management Plan/Environmental Impact Statement.

SUMMARY: In accordance with Section 202 of the National Environmental Policy Act of 1969, a draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the West Hi-Line planning area. The RMP/EIS describes and analyzes future options for managing approximately 626,000 acres of public land and 1.3 million acres of Federal mineral estate in Glacier, Toole, Liberty, Hill, Chouteau, and Blaine Counties in north-central Montana. It also addresses the recreational management of public lands within the Upper Missouri National Wild and Scenic River Corridor in Fergus and Phillips Counties.

Decisions generated during this planning process will supersede land use planning guidance presented in the Triangle, South Bearpaw, and Blaine Management Framework Plans (MFPs) and land use guidance pertaining to the Upper Missouri National Wild and Scenic River in the Phillips and Judith MFPs. The RMP/EIS incorporates land use decisions presented in the Prairie Potholes Vegetation Allocation EIS (1981), Missouri Breaks Grazing EIS (1979), the Missouri Breaks Wilderness Suitability Study/EIS (1982), and the Lewistown District Oil and Gas Environmental Assessment of Bureau of Land Management (BLM) Leasing Program.

Copies will be available at each public library located in Glacier, Liberty, Toole, Hill, Chouteau, and Blaine Counties. In addition, copies will be available at libraries in Malta, Lewistown, and Great Falls. Copies will be available from the Lewistown District Office, Airport Road, Lewistown, Montana 559457; phone (406) 538-7461. Public reading copies will be available for review at the following BLM locations:

Office of Public Affairs
Main Interior Building, Room 5600
18th and C Streets, N.W.
Washington, D.C. 20240

Public Affairs Office
Montana State Office
222 North 32nd Street
Billings, Montana 59107

Lewistown District Office
Airport Road
Lewistown, Montana 59457

Havre Resource Area
West Second Street
Havre, Montana 59501

Great Falls Resource Area
215 1st Avenue, N.
Great Falls, Montana 59403

Phillips Resource Area
501 South Second Street, E.
Malta, Montana 59538

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Background information and maps used in developing the RMP/EIS are available at the Lewistown District Office and the Great Falls, Havre, Phillips, and Judith Resource Area Offices.

DATES: Written comments on the draft RMP/EIS must be submitted or postmarked no later than September 2, 1987. Oral and/or written comments may also be presented at six public meetings to be held:

July 13, 1987	7 p.m.	Olympic Room, Duck Inn, 300 First Street Havre, Montana
July 14, 1987	7 p.m.	Great Falls Public Library 301 2nd Avenue, North Great Falls, Montana
July 15, 1987	7 p.m.	Marias River Coop 910 Roosevelt Highway Shelby, Montana
July 16, 1987	7 p.m.	Liberty County Courthouse Chester, Montana
July 20, 1987	7 p.m.	BLM Lewistown District Office Airport Road Lewistown, Montana
July 21, 1987	7 p.m.	Emergency Operations Center 2610 N. Main Avenue Fort Benton, Montana

ADDRESS: Written comments on the document should be addressed to: Wayne Zinne, District Manager, Bureau of Land Management, Lewistown District Office, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Ann Aldrich, Project Manager, Lewistown District Office, Airport Road, Lewistown, Montana 59457; phone (406) 538-7461.

SUPPLEMENTAL INFORMATION: The draft RMP/EIS analyzes four alternatives to resolve the following five issues: land tenure adjustment; off-road vehicle management; right-of-way location; emphasis area management; and recreational management of the Upper Missouri National Wild and Scenic River. Each alternative represents a complete management plan for the area. The alternatives can be summarized as: (A) no action or continuation of current practices; (B) resource production; (C) resource protection; and (D) the preferred alternative, which is a balance of the previous three.

The RMP/EIS examines the designation of three areas as Areas of Critical Environmental Concern (ACEC). Management prescriptions for the areas vary by alternative and are described in the Emphasis Area sections of the RMP/EIS.

The preferred alternative would designate the Kevin Rim as an ACEC in order to protect historic peregrine habitat, habitat for other State and Federal special interest raptor species, and cultural resources. A management zone would be established on surrounding Federal mineral estate. Oil and gas exploration and development and other surface disturbance would continue under more restrictive stipulations to protect the raptor and cultural resources. Off-road vehicle and right-of-way location restrictions would also be applied in the area.

The preferred alternative would also designate the Sweet Grass Hills as an ACEC, with a management zone on surrounding Federal mineral estate, in order to preserve resource values important for Native American religious and cultural practices, peregrine falcon and other sensitive raptor habitat, public recreation, and winter elk habitat. Management in this area would include limitations on off-road vehicles; right-of-way location, including communication site location; more strict raptor stipulations for surface disturbing activities; and possible restrictions on surface developments to reduce conflicts with Native American religious and cultural practices. A protective withdrawal from mineral entry would be pursued under Alternative C, the resource protection alternative.

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The preferred alternative would also designate the Cow Creek area as an ACEC in order to protect and preserve the scenic, interpretive, recreational, and paleontological resources associated with the Nez Perce National Historic Trail and the Cow Island Trail. Such a designation would also protect the values associated with the overlapping Upper Missouri National Wild and Scenic River, the Lewis and Clark National Historic Trail, and the Cow Creek WSA. Management in this area would include limitations on off-road vehicles, right-of-way location, surface disturbance, and the use of riparian areas.

Public participation has occurred throughout the RMP process. A Notice of Intent was filed in the Federal Register in December 1983. Since that time several open houses, public meetings, and mailouts were conducted to solicit comments and ideas. Any comments presented throughout the process have been considered.

This notice meets the requirements of 43 CFR 1610.7-2 for designation of ACEC's.

John A. Kwiatkowski
Deputy State Director
Division of Lands and Renewable Resources

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CHAPTER VI - MONITORING

A. General.

1. Monitoring Identified in the Decision Document. Monitoring activities which are adopted in an appropriate decision document must be implemented as specified. All actions and mitigation measures, including monitoring and enforcement programs, adopted in a decision document are legally enforceable commitments. In an ROD on an EIS, monitoring and enforcement activities are usually prescribed as part of a mitigation strategy (40 CFR 1505.2(c)). The DR on an EA may also impose requirements for mitigation and related monitoring and enforcement activities.

2. Monitoring Not Identified in the Decision Document. Policy and procedural guidance for monitoring activities not identified in the decision document is provided in BLM Manual Section 1734. To the extent possible, all NEPA related monitoring should be coordinated with resource monitoring activities. Managers have a great deal of discretion in determining the appropriate level of NEPA related monitoring. At a minimum, managers are encouraged, though not required, to provide for monitoring to assure that their decisions are carried out (40 CFR 1505.2(c)).

B. Purposes of Monitoring. The level and intensity of monitoring varies according to the purpose being served. In exercising their authority to develop a NEPA related monitoring program, managers should carefully consider the purposes of monitoring. In the following discussion, three purposes of monitoring are discussed in terms of NEPA related activities.

1. To Ensure Compliance with Decisions. The NEPA requires that decisions be implemented in accordance with the appropriate decision document. Some level of monitoring is usually needed to ensure that actions taken comply with the terms, conditions, and mitigation measures identified in the decision. This type of monitoring is sometimes referred to as "decision tracking." Monitoring for compliance generally answers the following questions:

- a. Are actions being implemented in accordance with BLM's decision document(s)?
- b. What, if anything, is preventing or impeding implementation in accordance with the decision?
- c. Are priorities, if any, specified in the decision being followed?

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2. To Measure the Effectiveness or Success of Decisions. Monitoring to determine if the decisions are achieving intended environmental objectives is another distinctly different purpose of monitoring. Unless specified in the decision document, monitoring of effectiveness is not required under NEPA. Program-specific guidance may require monitoring of this nature, otherwise it is done at the discretion of the responsible official. Effectiveness monitoring may be desirable for decisions covered by an EIS, particularly when mitigation measures are crucial to the achievement of environmental objectives. In some cases, decisions covered by an EA and a FONSI may also be monitored to ensure that the prediction of no significant impacts is accurate. Effectiveness monitoring is also useful for improving analytical procedures for future impact analyses and for designing mitigation and enhancement measures. It provides an empirical data base on impacts and effective mitigation measures. Such monitoring may lead to a determination to supplement an EIS. Monitoring for effectiveness generally answers the following questions:

a. Are the actions and decisions achieving intended environmental objectives?

b. Are the environmental impact predictions accurate?

3. To Evaluate the Validity of Decisions. Monitoring to determine if a decision continues to be the correct or appropriate decision over time is another important purpose of monitoring. It is not required by NEPA; however, it may be required or recommended in program-specific guidance. Otherwise it is done at the discretion of the responsible official. Evaluation monitoring goes beyond effectiveness monitoring and focuses on examining the validity of the environmental objectives. It is usually not routinely needed for all decisions covered by an EIS. But the manager should conduct such evaluations in critical program areas or on highly controversial or sensitive issues and decisions on a periodic basis, particularly when external conditions or influences have changed or are changing significantly. Evaluation monitoring may lead to a determination to reconsider decisions in a supplemental or completely new EIS. Monitoring to evaluate the continued validity of decisions generally answers the following questions:

a. Are the intended environmental objectives or management prescriptions still correct or valid?

b. Are the terms, conditions and mitigation measures still needed to achieve environmental objectives? (Are they greater than necessary or less than necessary to achieve environmental objectives?)

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C. Development of a Monitoring Plan. Except for monitoring activities specifically addressed in the decision document, the responsible manager has discretion in scheduling monitoring activities, determining monitoring approaches or methodologies, and establishing monitoring standards. A written monitoring plan is recommended. The plan should incorporate NEPA related monitoring schedules, approaches, and standards. (See BLM Manual Section 1734.25 for guidance on the content of monitoring and evaluation plans.) Several considerations to keep in mind in developing a monitoring plan for NEPA related activities and in programming and budgeting for such monitoring are discussed below:

1. Coverage. Generally, the goal for compliance monitoring is comprehensive coverage, i.e., all implementation actions are monitored for compliance with the decision. It is not, however, always necessary or feasible to monitor every action. In some cases, a sample of a set of similar actions may be monitored with some periodic checks to ensure that the sample is representative of the entire set. The number of decisions which require monitoring to determine effectiveness or to evaluate validity is more limited.

2. Frequency. The manager should attempt to develop a systematic (rather than random) pattern of periodic monitoring activities. Specific time frames should be established for each monitoring activity. The frequency of monitoring activities is likely to vary considerably based on the decision and the resources affected.

3. Intensity/Complexity. The intensity or complexity of the monitoring activity will vary according to how many variables need to be measured or assessed in order to answer the relevant questions. For example, compliance monitoring may only involve examination of one or two variables and conclusions may be relatively easy to reach. Effectiveness evaluations, on the other hand, tend to involve more complex analysis and require professional expertise in the interpretation of results. The intensity or complexity of the monitoring activity will guide the nature and extent of data collection and analysis. It will enable the manager to determine what data are needed, how they will be collected, who will collect them, how they will be stored and formatted, and how they will be analyzed.

4. Priorities. It is crucial that managers establish priorities for monitoring activities. Priorities are used in programming, budgeting and annual workplanning. Several situations or circumstances which may warrant high priority for monitoring are:

a. Decisions which authorize actions involving new or untested procedures or methods or where there is a high degree of uncertainty regarding the effects of the procedure or method may be given higher priority for monitoring.

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b. Impacts which were based on incomplete or unavailable information usually require high priority monitoring.

c. Areas where there are several uses or activities authorized by the decision may require a high priority for monitoring. In such cases, the uncertainty about the interactive effects of intensive multiple uses may warrant such monitoring.

d. Highly sensitive or important resource values may be identified for high priority monitoring, e.g., areas of critical environmental concern should be given a high priority for monitoring.. The relative value of resources plays a significant role in determining priorities for monitoring

e. Controversial or sensitive decisions, issues or impacts are usually included in monitoring plans.. The level of public concern about a particular decision, issue or environmental impact may be the basis for establishing priorities for monitoring.

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CHAPTER VII - REVIEWING OTHER AGENCY ENVIRONMENTAL DOCUMENTS

A. General. The BLM reviews other agencies' environmental documents on request. The BLM's role in the review process falls into one of three categories depending on the nature of the request:

1. Lead Agency for the Department. When assigned by the Assistant Secretary for Policy, Budget and Administration (AS/PBA), the BLM assumes lead or joint lead agency responsibilities for the Department in preparing review comments on other Federal agencies' environmental impact statements (516 DM 7).

2. Reviewing Agency for the Department. When AS/PBA assigns lead agency responsibility to another Interior bureau or office, the BLM provides review comments on other Federal agencies' environmental impact statements to the designated lead agency in accordance with AS/PBA instructions (516 DM 7).

3. Other Requests. The BLM is often asked to review and comment on environmental documents that are not processed through the AS/PBA. Such documents may include State or local environmental statements or reports, environmental assessments, or other Interior agency EIS's which are not processed through the Department.

B. Scope of Review. At a minimum, the BLM must review and comment on matters which address or relate to its areas of legal jurisdiction as defined by law and/or areas of special expertise (40 CFR 1503.2). The Council on Environmental Quality published in the Federal Register a list of Federal and Federal-State agencies with jurisdiction by law, a statutorily mandated consultative role, or special expertise on environmental quality issues (F.R. Vol. 49, No. 247, 12/21/84). The BLM's areas of legal jurisdiction and special expertise are summarized in Appendix 9.

C. Coordination of Review Process.

1. Department of the Interior Coordination. The AS/PBA, through the Office of Environmental Project Review (OEPR), coordinates the Departmentwide review of other Federal agencies' environmental impact statements (516 DM 7.3).

2. BLM Washington Office Coordination. The Division of Planning and Environmental Coordination (WO-760) coordinates the environmental review process bureauwide. All review requests made to the Director of BLM, including those processed through the AS/PBA, are coordinated by WO-760.

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3. BLM State Office Coordination. The State Directors coordinate the environmental review process within their jurisdiction. State Directors must designate an individual to serve as the State Office contact for environmental review and provide this information to WO-760. WO-760 should be advised of any reassignment of this responsibility. The State Office contact should maintain records, such as a log, on reviews completed as necessary to manage review activities. The State Office contact is responsible for maintaining the official file copies of correspondence and other materials used for or related to environmental reviews when assigned as lead office.

D. Procedures for Review (516 DM 7).

1. Assignment of Lead Agency. The AS/PBA determines which Interior bureaus and/or offices should review draft and/or final environmental documents prepared by other Federal agencies and assigns an Interior agency to serve as lead, as appropriate, in the preparation of a consolidated Departmental response. In some cases, more than one agency may be assigned as lead (i.e., joint lead). The AS/PBA forwards copies of the environmental document to all reviewing bureaus/agencies or offices with a transmittal letter which identifies: the lead agency assigned to prepare the Department's consolidated response; the schedule of when comments are to be forwarded to the lead agency as well as when the final consolidated response is due to OEPR; the environmental review number (ER#) for referencing the document; and any special instruction regarding the preparation of the response, e.g., for whose signature the response should be prepared.

2. Assignment of BLM Lead Office. In response to AS/PBA and other requests for review of environmental documents received by the Director, WO-760 determines which State Office and/or program office should review the environmental document and assigns the appropriate State Office or Washington program office the responsibility for assembling comments and preparing the response. When a review involves more than one State Office, WO-760 determines which State Office will have the lead responsibility. When a review involves a Washington program office and a State Office, WO-760 designates lead office assignments in cooperation with affected offices.

3. Distribution of Review Copies. WO-760 transmits copies of the environmental document to all appropriate State Offices and Washington program offices for review and comment. The transmittal will indicate the scheduled due dates, whether or not a response is required or optional, and the assigned BLM lead office. State and/or Washington program offices can at any time make a request to WO-760 to change the lead office assignment or to obtain joint or cooperating status for preparation of the response.

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4. Preparation of Response. Each assigned BLM office reviews the document and prepares comments as requested. Procedures for preparing the response vary according to the source and nature of the request:

a. When not assigned as lead office for the BLM, reviewing offices should forward their comments directly to the appropriate BLM lead office. A "no comment" response can be communicated via telephone unless instructions indicate that comments must be in writing. Copies do not need to be forwarded to WO-760.

b. When assigned as lead office for the BLM and the AS/PBA has designated BLM as the lead agency for the Department, the BLM lead office coordinates and obtains comments from all reviewing agencies or offices within the Department, including other BLM offices, and prepares a consolidated Departmental response. In keeping with Departmental requirements, the consolidated Departmental response must be prepared and sent forward for signature by the AS/PBA or the Regional Environmental Officer (REO), as appropriate, by or before the established due date. (See 516 DM 7.5 for guidance on the content and appropriate format for Departmental responses.) A sample response is shown in Illustration 1. Detailed instructions regarding surnaming, distribution of copies and required attachments are found in 516 DM 7.7B. Copies do not need to be forwarded to WO-760 unless specific instructions indicate otherwise.

c. When assigned as lead office for the BLM and the AS/PBA has designated another Interior agency/office as lead for the Department, the BLM lead office assembles all BLM comments and prepares a consolidated BLM response for the Director's or State Director's signature as appropriate. The BLM response must be sent to the lead agency by or before the established due date. Copies of the BLM response must be forwarded to the AS/PBA. Copies do not need to be forwarded to WO-760 unless specific instructions indicate otherwise.

d. When assigned as the BLM lead office for reviews not processed through the AS/PBA, the BLM lead office follows the instructions accompanying the request. For example, WO-760 may assign a BLM lead office to prepare a consolidated BLM response to a request for review of an EIS prepared by another Interior agency. Additional instructions, including surnaming, distribution of copies and due dates, will accompany such WO-760 assignments. A copy of the response should be provided to the REO if there are any comments involving significant or controversial issues.

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e. When a request for review is made directly to a State Director or other field official, the receiving office should evaluate the request to determine whether or not a Departmental or BLM consolidated response is necessary or appropriate (see 516 DM 7.7A(2)). If a consolidated review response is necessary or appropriate, the request should be forwarded to WO-760 for handling. If, however, a consolidated response is neither necessary nor appropriate, it may be handled directly by the State Office or Washington program office to which the request was made. WO-760 and the REO must be advised of any request that involves significant or controversial issues. Copies of responses do not need to be forwarded to WO-760.

5. Consultation with WO-760. The SO or WO program office contact should consult WO-760 on any issues or concerns which may arise in the review and consolidation process, including but not limited to those which may lead to the need for an extension of the deadline (see 516 DM 7.7A(3)). WO-760 will intervene, if necessary, to resolve such issues or concerns.

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SAMPLE ENVIRONMENTAL REVIEW RESPONSE

Comments on non-Interior Federal agency environmental documents should include an introduction which identifies the document reviewed and any general conclusions regarding its adequacy, general comments on the document which identify major areas of concern, and detailed comments which itemized specific concerns or problems by section or page number. For each concern or problem, a suggestion for resolving or addressing the concern or problem should be identified. Gaps in information or data should be specifically described and, if known, sources identified. Generally BLM's comments should focus on areas for which the BLM has jurisdiction by law or special expertise. The following is an example of an environmental review response where the BLM was the lead agency for the Department.

ER 84/1201

Honorable Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426

Dear Mr. Plumb:

The Department of the Interior has completed its review of the Application for License, Zack Brothers Project, FERC No. 6156-003, Mono County, California, and recommend that the license not be issued at this time. The application lacks specific information needed to analyze potential impacts to natural resources and lacks adequate mitigation proposals for those environmental consequences that are recognized. The following comments are presented by topic headings as discussed in the license application. If the applicant satisfactorily addresses these concerns in a revised Exhibit E, we would be willing to reconsider our opposition. Subsequently, if this application is formally accepted by you, the Department will, at that time, provide final comments.

General Comments:

The proposed project will impact public lands managed by the Bureau of Land Management (BLM), Bakersfield District Office and physically occupies a Federal reservation as defined in Section 3(2) of the Federal Power Act (FPA). Therefore, it is our opinion that the provisions of Section 4(e) of the FPA apply.

The proposed project lies within BLM's South Benton Management Area of the Benton Planning Unit. The Land Use Decisions for the area allow no further stream channelization on public lands.

Further, one of the Management Decisions applicable to the entire planning unit is as follows:

"No further stream diversions will be allowed without an assessment of environmental effects, specifically the cumulative effects, with the possible exception of emergency diversions to avoid potential flooding and these are to be of a temporary nature not to exceed one year."

Many of our specific comments may become irrelevant upon receipt of the answers to the following general questions:

1. Total c.f.s. to be diverted by the proposed project for which months of the year.
2. Amount of vegetative disturbance expected during construction (length and width) and operation/maintenance (length and width).
3. Proposed procedure for crossing the existing facility in Section 7 without disrupting the existing operation.

Specific Comments:

A-1 Pipeline

No description of the type or number of "bleed stations" to be utilized was found in the document. Type, number and placement of "stations" should be coordinated with the California Department of Fish and Game, Forest Service and BLM biologists.

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E-2 Seismic Characteristics

Which agency was contacted in order to obtain data? Has any activity or change in position on "gap theory" occurred since 1971?

E-2 Hydrology

The document states the estimated maximum flow of Pellisier Creek to be 6.5 c.f.s., which is to occur from June through August, and that the hydraulic capacity of the proposed systems is rated at 9 c.f.s. (Pg. A-4). Does this imply that the full flow, up to 9 c.f.s. will be diverted with no flow to continue in the present channel? How and/or where were the "Measured Streamflow - CFS - Pellisier Creek" figures obtained? It is questionable to use data from a one year period to estimate average stream flows. Especially if the year produced 100 year flood run-off.

Our investigations of the combined outflow of Pellisier and Middle Creeks in August of 1978 revealed a flow of 2 c.f.s. We feel a more realistic average minimum flow of Pellisier Creek during the low flow regime would likely be less than 1 c.f.s.

We agree that Pellisier Creek does have a fairly well established growth of riparian vegetation. It is estimated that at least 60,000 gallons of water per day is needed in the natural channel to maintain a moderate amount of the approximate 1.3 acres of riparian vegetation occurring on Bureau administered lands. (This is only 9% of the current "leakage" and "overflow.")

E-5 Vegetation

We disagree that the "riparian corridors are limited to narrow 1-5 meter strips." Most of the riparian areas measures 5-20 meters wide and reflect a substantial amount of productive habitat in an otherwise xeric vegetation association.

E-6 Wildlife Resources

The chart noting verified and unverified mammals should be amended to reflect that these are the number of each species trapped over a 3-day trap period in 1978, and that no survey has been conducted in the area since that time.

The document states that desert bighorn are considered a unique species and inhabit the White Mountain front. No mention is given of the importance of Bureau administered lands to this species or the effect this project would likely have on its habitat (i.e., critical habitat, winter storm refuge, etc.).

No discussion was found relating to the importance of this area to pronghorn antelope (i.e., water sources, feeding sites, fawning and maternal group areas).

Long-term scientific investigations are ongoing concerning the biology of the desert bighorn and pronghorn antelope in this area.

E-7 Soils/Erosion/Watershed

Executive Orders 5631 and 5843 withdraw the entire project area from settlement, location, sale or entry under the public land laws and is reserved for municipal water supply purposes. In accordance with the definition of "Reservations," found in Section 3(2) of the FPA, 16 U.S.C. Section 796(2) (1979), these lands are considered reserved. The passage of FLPMA did not alter these withdrawals or any of their restrictions.

E-8 Cultural Historic

Prior to any meaningful review of the cultural section, a cultural resources survey (as per 36 CFR 800.4(a) (1) and (2)) and subsequent compliance with Section 106 of the National Historic Preservation Act of 1906, if necessary, would have to be conducted.

At present, the Archeological Research Unit, University of California, Riverside, does not collect information on historic sites. This information must be obtained either through the land managing agencies and/or a survey of the area.

The Carson and Colorado Railroad lies in the vicinity of the project area. The Hammil Ditch (referred to as the existing ditch in the document) is also an historic structure.

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E-8 Land Uses

Implementation of changing grazing use on the Marble Creek Allotment and abandonment of BLM range project #7548 has not yet been accomplished.

E-12 Project Construction/Operation/Maintenance Characteristics

It was not clear to this office whether a change in the riparian areas associated with Middle and Birch Creeks would be realized as an effect of the proposed project.

The operator of the existing system could not legally "replace, repair or otherwise improve the system and thus eliminate this artificial habitat," on public lands. A right-of-way has not been granted for that portion of the system occupying Bureau administered lands (application received 2/1984). The operator did obtain a Special Use Permit LJR 5803 from the U.S. Forest Service on 11/4/1982 for that portion of the system on the Inyo National Forest.

Environmental Significance Checklist1. Earth

(b) If the pipeline crosses any washes via underground laying, howwide would the "narrow strip of soil disturbance" be? Would soil disturbance be realized by the use of equipment? If so, over what areas (i.e., staging areas, equipment storage areas, turnaround areas, construction road(s), dam construction area, etc.)?

(e) If this impact is not "confined to on site locations only," what measures would be proposed to mitigate this impact?

3. Water

(c) We disagree that recovery of riparian vegetation would occur rapidly after construction of the diversion dam. With elimination of any stream flow below the diversion dam, riparian vegetation would very likely never recover. The current quality of the riparian vegetation in that portion of Pellisier Creek administered by the Bureau would be eliminated. What measures would be proposed to reasonably insure the retention of quality and quantity of riparian vegetation below the dam?

4. Plant Life

(a) There would be a loss in the number and diversity of phreatophytic plants. Would any mitigation measures be proposed?

5. Animal Life

(a) There would be a loss in the number of passerine and raptorial (particularly owls) birds as a direct result of riparian vegetation loss. Would measures be proposed to mitigate this impact?

20. Cultural Resources

(a), (b), (c) and (d) How were these "effects" determined prior to a cultural survey being conducted and, if necessary, subsequent compliance with Section 106 of the National Historic Preservation Act of 1906?

E-20 Mitigation

Upon revision of the Application of License, the Bureau of Land Management would like to participate in the formation of this section with the applicant.

Thank you for the opportunity to review and comment on this notice of application.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

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CHAPTER VIII - ADMINISTRATIVE PROCEDURES

A. Introduction. This chapter provides guidance on procedures for filing EIS's with the Environmental Protection Agency (EPA), publishing notices in the Federal Register, maintaining and storing official environmental records and documents, and reporting on the status of NEPA compliance activities.

B. Filing EIS's with EPA.

1. General. All draft, final and supplemental EIS's must be filed with EPA (40 CFR 1506.9). The Federal Register publishes a notice prepared by EPA every Friday. The notice lists all draft, final, and supplemental EIS's received and filed with EPA during the previous week.

2. Significance of EPA Publication Dates.

a. Minimum time periods for public review or for determining when a decision may be reached or implemented are calculated from the date the EPA notice is published in the Federal Register (see 40 CFR 1506.10).

b. The date the EPA notice appears in the Federal Register serves as the official date for announcing the availability of a draft, final, or supplemental EIS.

3. Procedures for Filing with EPA. The following procedures should be followed to ensure timely publication of the EPA notice:

a. Prepare a transmittal letter to EPA. Be sure to indicate the desired length of the public review period if longer than 45 days. A specific date may be requested for the EIS to be listed in the EPA Federal Register notice (Friday publication dates only).

b. Mail or deliver the transmittal letter, and five copies of the draft, final, or supplemental EIS with a complete distribution list, either printed or inserted in the EIS, of individuals and organizations that have been provided a copy (addresses not necessary) to:

Office of Federal Activities (A-104)
Environmental Protection Agency, Room 2119 Mall
Attn: Management Information Unit
401 M Street, S.W.
Washington, D.C. 20460.

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c. Ensure that the transmittal and required attachments are sent to EPA in a sufficient time to ensure that Federal Register publication occurs on the intended date and public review period requirements are satisfied (see Chapter V, Paragraph B.3). The documents must be received by EPA at least 5 business days prior to the date the notice will appear in the Federal Register. Documents must be received in the Office of Federal Activities before 2:30 p.m. to be logged as received for that business day.

d. Concurrent with the transmittal to EPA, provide a copy of the transmittal letter, including the distribution list, and five copies of the draft, final, or supplemental EIS to the Office of Environmental Project Review (OEPR, MIB - Rm. 4239). Contact OEPR (FTS 343-3891) to obtain the Environmental Statement (ES) control number. (See PEP Memorandum No. ES85-2 for special requirements associated with filing nondelegated EIS's.) Immediately provide the ES control number to EPA (FTS 382-5074). The EPA will not prepare a notice to be published in the Federal Register without the ES control number.

e. Prior to or on the same day copies are transmitted to EPA, distribute copies of the EIS to individuals or organizations included on the distribution list. (See Chapter V and Appendix 8 for discussion of distribution requirements for EIS's.)

C. Publishing Notices in the Federal Register.

1. General. The BLM is required to publish the NOI to prepare an EIS in the Federal Register (40 CFR 1501.7). For actions with effects of national concern or if required by program-specific guidance, the BLM must also prepare an NOA for draft, final, and supplemental EIS's. Unlike the EPA notice, the BLM NOA is sent directly from the BLM to the Office of the Federal Register (OFR) and includes a description of the project (see Chapter V). In some cases, an NOA may be issued on an ROD. Other notices for announcing public meetings, hearings, or the availability of EA's may also be published in the Federal Register.

2. Procedures for Publishing in the Federal Register The OFR has established procedures and formats to be used when preparing a notice for publication. Individuals should consult the latest version of the Document Drafting Handbook prepared by OFR for detailed guidance on the preparation of notices for publication in the Federal Register.

a. Notice Document Requirements. Each notice document must meet certain publication requirements including the billing code, proper headings, citation of authority, and signature (see Illustration 1).

(1) The billing code must appear on each document submitted for publication. Billing codes are assigned by the Government Printing Office and may be obtained from the agency's printing officer.

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(2) Headings for documents to be published in the Federal Register are to be formatted as described in Illustration 1.

(3) Authority citations may appear in narrative form within the text or in parentheses on a separate line following the text.

(4) Notices must be signed by an authorized official.

(5) The OFR recommends using the standard preamble format prescribed for rulemaking in the preparation of notices.

b. Typing and Format Requirements (see Illustration 1). The OFR requires that documents meet the following typing and format standards.

(1) Be prepared on 8 1/2 by 11 inch bond paper or photocopy.

(2) Be typed on one side of paper and double spaced. Quoted material, footnotes, and notes to tables may be typed single spaced.

(3) Have a one inch margin on the top, bottom, and right side of page, and a one and one-half inch margin on the left.

(4) All headings must be typed flush with the left margin. Section headings must be typed out in full on a line separate from text and underlined. Pages of the document must be numbered consecutively.

(5) The following items should be typed in all capital letters:

FEDERAL REGISTER

Name of agency (but not the name of the sub-agency)

Preamble captions (see Illustration 1).

(6) Use of abbreviations, symbols and style must be in accordance with guidance in the Document Drafting Handbook prepared by the OFR.

(7) Signature must be in ink and appear on a page with text. The name and title of the individual who signs the notice, must be typed directly below signature. No second party signatures will be accepted.

c. Submission Requirements.

(1) The notice must be submitted in triplicate to the OFR. Duplicate originals are recommended, i.e., each original is signed in ink by the issuing official. It is permissible to submit one original and two copies each with an original signature, or one original and two certified copies. Certified copies must include the name and title of the issuing official typed or stamped on the copy, a statement that reads "Certified to be a true copy of the original document," and the signature of the certifying official.

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- (2) Documents sent through the regular mail must be addressed to:

The Office of the Federal Register
National Archives and Records Administration
Washington, D.C. 20408

- (3) Documents delivered by messenger services, overnight delivery, or Express Mail must be delivered to:

The Office of the Federal Register
Room 8301, 1100 L Street, NW
Washington, D.C. 20005

d. Publication Date. Notices are published in the Federal Register on the third business day after they are received by the OFR (e.g. if notice document is received and accepted by the OFR on Monday, the Federal Register notice is published on Thursday).

D. Recordkeeping Procedures. The following provides specific guidance on maintaining NEPA related records and documents.

1. Environmental Documents and Supporting Records. Environmental documents are identified in 40 CFR 1508.10 and include: environmental assessments (EA's); findings of no significant impact (FONSI's); notices of intent (NOI's); and environmental impact statements (EIS's). The CEQ indicated that it also intended that records of decision (ROD's) be treated as environmental documents (see 46 FR 18026, 1981, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations). Supporting records consist of all materials generated or used in the preparation of environmental documents. Such records include, but are not limited to: decision records prepared for EA's; mailing lists; summaries of public meetings including lists of attendees; written comments received; responses to such comments; records related to interagency/intergovernmental consultation and coordination such as interagency agreements or memoranda of understanding, if any; documents or studies incorporated by reference; materials submitted by applicants; and any records associated with contractual work related to the preparation of environmental documents. Particularly important are records associated with cost recovery, including Forms 1323-1 and 1323-2, cost estimates, and quarterly billings (43 CFR 2808.3-1, 2883.1-1; BLM MS 1323).

a. Official file copies of BLM environmental documents and supporting records must be maintained by the originating office. Generally, they should be filed with other documents, case files, or records related to the project or plan covered by the environmental document or cross-referenced to other pertinent files.

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b. Environmental documents and documents incorporated by reference must be made available to the public (40 CFR 1506.6). The lead State Office (or Washington program office for programmatic or legislative environmental analyses) shall determine where and for how long copies of environmental documents and documents incorporated by reference shall be maintained. In some instances, program-specific guidance identifies distribution and availability requirements, e.g. RMP/EIS's (BLM MS 1602.26). At a minimum, at least one copy of draft, final, and supplemental EIS's and ROD's must be available in the lead State Office or Washington program office, as appropriate.

2. Other Environmental Records. Environmental records, other than those identified in Paragraph D.1. above, include, but are not limited to: categorical exclusion review records, if any (see Chapter II); review records which verify that a proposed action is fully covered in an existing EA or EIS (see Chapter III); and responses to requests for review of other agency environmental documents (see Chapter VII).

a. Official file copies of other environmental records must be maintained by the originating office.

b. In the case of records relating to reviews of other agency environmental documents, the BLM office which actually assembles comments and prepares the response should maintain the official files. Thus, when the BLM is assigned as lead agency for the Department in responding to other Federal agency EIS's, the State Office or Washington program office assigned to prepare the response maintains the official files for the Department as well as the BLM (i.e., maintains all support materials used in preparing response).

E. Reporting Procedures. In order to coordinate and manage compliance with NEPA and to meet Departmental reporting requirements, WO-760 requires summary information and data on environmental management activities as well as copies of certain official records. These requirements are summarized below.

1. Quarterly EIS Status and Progress Report State Directors are required to submit a quarterly EIS status and progress report to WO-760 on accomplishments for the previous quarter and projected future accomplishments.

a. Due Dates. The report is due in WO-760 by the close of business on the first business day of the month following the end of each quarter (the first business day of January, April, July, and October).

b. Transmittal of Report. The report may be submitted on hard copy via express mail. To expedite handling, it is recommended that the report be transmitted via electronic mail. If transmitted via electronic mail, a hard copy is not required.

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c. Content of Report. For each EIS underway (where the BLM has the lead or is a cooperating agency), provide the following information:

(1) Washington Office organizational code for the office or division that has the programmatic lead responsibility.

(2) Full official name or title of the EIS. If this is a supplement to an existing draft or final EIS, identify it as such in the title.

(3) The BLM's role in the preparation of the EIS, e.g., sole lead, lead with other agencies cooperating, or cooperating.

(4) State Office contact for the EIS, office code or location, and phone number. The State Office contact does not necessarily have to be located in the State Office.

(5) Washington Office contact for the EIS, if any, office code or location, and phone number.

(6) Actual date (month/day/year) the Notice of Intent was published in the Federal Register.

(7) Actual date the preparation plan was approved (signed). The preparation plan is sometimes integrated into other documents. The approval of such other documents may serve as preparation plan approval date (e.g., SD approval of RMP preplanning analysis; contract officer's approval of EIS contract).

(8) Projected date (month/year) for the EPA notice on the draft EIS to appear in the Federal Register.

(9) Actual date (month/day/year) the EPA notice on the draft EIS appeared in the Federal Register.

(10) ES control number for the draft EIS (assigned by OEPR).

(11) Projected date (month/year) for the EPA notice on the final EIS to appear in the Federal Register.

(12) Actual date (month/day/year) the EPA notice on the final EIS appeared in the Federal Register.

(13) ES control number for the final EIS (assigned by OEPR).

(14) Projected date (month/year) the ROD will be signed by the approving official or become effective.

(15) Actual date (month/day/year) the ROD was signed or became effective.

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d. Reporting Changes in Status. In order to meet Departmental reporting requirements (monthly), State Offices should notify WO-760 of any changes in EIS status between reporting periods as they occur. Such notification may be made via regular or electronic mail or by telephone.

2. Annual EA Summary Report. State Directors are required to submit an annual EA summary report to WO-760.

a. Due Date. The annual summary report is due in WO-760 by the close of business on the first business day of October.

b. Transmittal of Report. The report may be submitted on hard copy or via electronic mail.

c. Content of Report. Identify the total number of EA's completed and FONSI's approved (signed) for the fiscal year ending September 30.

3. Copies of Official Records. For RMP/EIS's and plan amendment EIS's, submit to WO-760 a copy of, when completed or approved, the draft EIS, final EIS, any supplemental draft or final EIS, and the signed ROD.

4. Special Reports. On occasion, WO-760 may request more detailed information on NEPA related activities. Generally this is in response to special requests from the Department or the CEQ. Such information should be available from the originating office where official NEPA records are maintained. State Offices should develop procedures to ensure that they can readily retrieve information and data from official NEPA files, including those which have been archived, to respond to special requests.

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FORMAT FOR FEDERAL REGISTER SUBMISSIONS

THE DOCUMENT

- Bond paper or legible photocopy.
- Margins as shown.
- Typed name and title.
- Three originals or one original and two certified copies.
- 8½" x 11"
- Double space text.
- Ink signature.

The diagram illustrates the required format for a document submitted to the Federal Register. It shows a main document area with specific margins and a list of required information. To the right, it shows two additional copies, labeled 'Copy 1' and 'Copy 2', which are certified true copies of the original document. The main document area includes a header with a billing code, the title 'NATIONAL ARCHIVES AND RECORDS ADMINISTRATION', and a list of required information: AGENCY, ACTION, SUMMARY, DATES, ADDRESSES, FOR FURTHER INFORMATION CONTACT, and SUPPLEMENTARY INFORMATION. Below this list is a signature line with a typed name and title. The margins are specified as 1 inch on the top, bottom, and right, and 1½ inches on the left. The overall dimensions are 8½ inches wide by 11 inches high.

Original

(Billing Code 9000-00)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
36 CFR Part 1200
Official Seal

1½"

1"

1"

Copy 1

Copy 2

AGENCY: ...
ACTION: ...
SUMMARY: ...
DATES: ...
ADDRESSES: ...
FOR FURTHER INFORMATION CONTACT: ...
SUPPLEMENTARY INFORMATION: ...

Signature

Typed name
Title

1"

certified to be a true copy of the original document

certified to be a true copy of the original document

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Glossary of Terms

The following definitions are from 40 CFR 1508.3 through 1508.28.

-A-

affecting: will or may have an effect on.

-C-

categorical exclusion: a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (1507.3) and for which, therefore, neither an environmental assessment nor an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedure or otherwise, to prepare environmental assessments for the reasons stated in 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

cooperating agency: any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in 1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

Council: the Council on Environmental Quality established by Title II of the National Environmental Policy Act.

cumulative impact: the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

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-E-

effects: (a) Direct effects, which are caused by the action and occur at the same time and place; (b) Indirect effects, which are caused by the action and are later in time or farther time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects and impacts as used in [the CEQ] regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

environmental assessment: (a) A concise public document for which a Federal agency is responsible that serves to: (1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact; (2) aid an agency's compliance with the Act when no environmental impact statement is necessary; (3) facilitate preparation of a statement when one is necessary. (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

environmental document: the documents specified in 1508.9 (environmental assessment), 1508.11 (environmental impact statement), 1508.13 (finding of no significant impact), and 1508.22 (notice of intent).

environmental impact statement: a detailed written statement as required by section 102(2)(C) of the National Environmental Policy Act.

-F-

Federal agency: all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. It also includes for purposes of these regulations States and units of general local government and Indian tribes assuming NEPA responsibilities under section 104(h) of the Housing and Community Development Act of 1974.

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finding of no significant impact: a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (1508.4) will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

-H-

human environment: interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

-J-

jurisdiction by law: agency authority to approve, veto, or finance all or part of the proposal.

-L-

lead agency: the agency or agencies preparing or having taken primary responsibility for preparing the environmental impact statement.

legislation: a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations. The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter involved will prepare a legislative environmental impact statement.

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-M-

major Federal action: actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (1506.8, 1508.17). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

(b) Federal actions tend to fall within one of the following categories:

(1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.

(2) Adoption of formal plans, such as official documents prepared or approved by Federal agencies which guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based.

(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as Federal and federally assisted activities.

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matter: for purposes of Part 1504: (a) With respect to the Environmental Protection Agency, any proposed legislation, project, action or regulation as those terms are used in section 309(a) of the Clean Air Act (42 U.S.C. 7609); (b) With respect to all other agencies, any proposed major Federal action to which Section 102(2)(C) of NEPA applies.

mitigation:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

-N-

NEPA process: all measures necessary for compliance with the requirements of section 2 and Title I of NEPA.

notice of intent: a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

- (a) Describe the proposed action and possible alternatives.
- (b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.
- (c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

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-P-

proposal: exists at that stage in the development of an action when an agency subject to the National Environmental Policy Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a proposal should be timed (1502.5) so that the final statement may be completed in time for the statement to be included in any recommendation or report on the proposal. A proposal may exist in the fact as well as by agency declaration that one exists.

-R-

referring agency: the Federal agency which has referred any matter to the Council after a determination that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality.

-S-

scope: the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider three types of actions, three types of alternatives, and three types of impacts. They include:

a. Actions (other than unconnected single actions) which may be:

1. Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(a) Automatically trigger other actions which may require environmental impact statements.

(b) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(c) Are interdependent parts of a larger action and depend on the larger action for their justification.

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2. Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

3. Similar actions, which when viewed with other reasonable foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

b. Alternatives, which include:

1. No-action alternative.
2. Other reasonable courses of actions.
3. Mitigation measures (not in the proposed action).

c. Impacts, which may be:

1. Direct.
2. Indirect.
3. Cumulative.

special expertise: statutory responsibility, agency mission, or related program experience.

significantly: as used in NEPA requires considerations of both context and intensity:

a. Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather in the world as a whole. Both short- and long-term effects are relevant.

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b. Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

2. The degree to which the proposed action affects public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

8. The degree to which the action may adversely affect districts, sites highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

[43 FR 56003, Nov. 29, 1978; 44 FR 874, Jan. 3, 1979]

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-T-

tiering: the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is: (a) from a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis; (b) from an environmental impact statement on a specific action at an early stage (such as need and site selection) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

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NEPA STATUTORY, REGULATORY AND GUIDANCE DOCUMENTS

Legislation

The National Environmental Policy Act of 1969 (NEPA), as amended (Pub. L. 91-90, 42 U.S.C. 4321 et seq.). This Act establishes a national policy for the protection and enhancement of the environment. The Act directs Federal agencies to use a systematic interdisciplinary approach, which ensures the integrated use of natural and social sciences and the design arts, in planning and decisionmaking affecting the human environment. The Act also establishes the Council for Environmental Quality.

The Environmental Quality Improvement Act of 1970 (Pub. L. 91-224, 42 U.S.C. 4371-4374). This Act declares there is a national policy for the environment providing for the enhancement of environmental quality as evidenced by existing statutes on the prevention, abatement, and control of environmental pollution, water and land resources, transportation and economic and regional development. The Act is intended to assure that Federal agencies conducting or supporting public works activities affecting the environment implement the policies established under existing law and to authorize the Office of Environmental Quality to provide staff support to the CEQ.

The Clean Air Act (Pub. L. 91-604, 42 U.S.C. 7609, 1970). This Act authorizes EPA to review and comment on the environmental impact of matters relating to EPA's duties and responsibilities in any proposed legislation, proposed Federal construction projects or any other major Federal agency actions and proposed regulations published by any Federal agency. Such comments are to be made public and, in the event the findings are unsatisfactory from the standpoint of public health or welfare or environmental quality, determinations are to be published and referred to CEQ.

Executive Orders

Executive Order 11514. Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by E.O. 11991 of May 24, 1977). This Order was prepared in furtherance of the purpose and policy of NEPA. It established a policy for the Federal Government to provide leadership in protecting and enhancing the quality of the Nation's environment and for Federal agencies to initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals.

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CEQ Regulations and Guidance

Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, as amended, (40 CFR Parts 1500-1508). These regulations, prepared by the CEQ, set forth policies and procedures to be followed by all Federal agencies in implementing NEPA.

Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (46 FR 18026, 1981, as modified in 1986). As a result of nationwide oversight meetings with Federal, State and local officials, the CEQ compiled and published in the Federal Register responses to the most important or most frequently asked questions concerning NEPA procedures. Question 20 on worst case analysis was deleted in 1986 when the CEQ regulations implementing NEPA were amended.

Guidance Regarding NEPA Regulations (48 FR 34263, 1983). As a result of a request for comments from the public on how the various Federal agencies are implementing the CEQ regulations implementing NEPA and subsequent public meetings, the CEQ issued guidance to the Federal agencies to help officials manage the NEPA process in a more efficient manner. Topics covered include scoping, categorical exclusions, adoption procedures, contracting provisions, selection of alternatives in licensing and permitting situations, and tiering.

Scoping Guidance (Memorandum for General Counsels, NEPA liaisons and Participants in Scoping, April 30, 1981; availability announced in 46 FR 25461, 1981). As part of its oversight responsibilities, the CEQ conducted a special study of the scoping process and developed a series of recommendations for successfully conducting scoping. The document defines scoping, provides advice for government agencies in conducting scoping, advice for public participants in scoping, and brief points for applicants.

Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory (Memorandum for Heads of Agencies; August 10, 1980). This memorandum sets forth procedures and guidance for interagency consultation to avoid or mitigate adverse effects on rivers in the nationwide inventory.

Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act (Memorandum for Heads of Agencies; August 11, 1980). This memorandum provides guidance on how to analyze agricultural land impacts more effectively in the project planning process and under NEPA.

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Environmental Review Pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974 and its Relationship to the National Environmental Policy Act of 1969 (Memorandum for Heads of Federal Agencies; November 19, 1976). This memorandum provides guidance to Federal agencies on how to carry out an evaluation of the impact of federally assisted projects on groundwater supplies.

State and Local Agency Review of Impact Statements (Memorandum for Heads of Departments and Agencies; January 9, 1973). This memorandum provides clarification on the relationship between the A-95 procedures for review and comment and the review of EIS's required under NEPA, section 102(2)(c).

Department of the Interior Manual Guidance

Departmental Manual, Part 516, National Environmental Policy Act of 1969 (516 DM 1-7). This manual guidance, prepared by the Office of Environmental Project Review (OEPR), sets forth policies and procedures to be followed by all agencies and organizational units within the Department of the Interior for complying with NEPA. The BLM's NEPA responsibilities, guidance to applicants, major actions normally requiring an EIS, and categorical exclusions are identified in 516 DM 6, Appendix 5.

Departmental Manual, Part 511, Intergovernmental Review of Department of the Interior Programs and Activities (511 DM 1-8). This manual guidance establishes policies and procedures for bureau and office compliance with Executive Order 12372, "Intergovernmental Review of Federal Programs", as amended, and the Department's implementing regulations under 43 CFR Part 9 (Appendix 1). The guidance complements procedures found in 516 DM 1-7 for using existing notification, coordination and review mechanisms to satisfy intergovernmental consultation requirements. The BLM development projects or proposed actions covered by this manual are listed in 511 DM 7, Appendix 2.

Department of the Interior, Office of Environmental Project Review Memoranda

Environmental Statement (ES) and Environmental Review (ER) Memoranda issued by OEPR in effect as of January 13, 1988:

ES72-5, Procedures for Intra-Departmental Review of Environmental Statements prepared by Bureaus and Offices, Apr. 3, 1972.

ES74-5, Numbers of review copies of environmental statements required by other Federal and Federal-State agencies, Mar. 5, 1974.

ES76-2, State and Local Agency Review of Environmental Statements, Mar. 11, 1976.

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ES77-5, Environmental Impacts on Groundwater, Aug. 26, 1977.

ES78-2, Transmittal of Change in PEP Environmental Statement Memorandum
ES76-2, Jan. 24, 1978.

ES80-2, Nationwide Inventory of Potential Wild and Scenic Rivers,
Aug. 15, 1980.

ES80-3, Prime and Unique Agricultural Lands, Aug. 18, 1980.

ES81-4, Time periods for Review of a Draft EIS, Jan. 23, 1981.

ES81-6, Review of EIS's by the State of Virginia, Jan. 30, 1981.

ES81-7, Monthly Report of Environmental Impact Statements, Feb. 4, 1981.

ES84-2, Federal and Federal-State Agency NEPA Contacts, Dec. 28, 1984.

ES84-3, Federal and Federal-State Agencies with Jurisdiction by Law or
Special Expertise on Environmental Quality Issues, Dec. 28, 1984.

ES84-4, Federal and Federal-State Offices for Receiving and Commenting on
Other Agencies' Environmental Documents, Dec. 28, 1984.

ES85-2, Procedures for Approving and Filing Environmental Impact
Statements, Feb. 12, 1986.

ES88-1, Memoranda in Effect, Jan. 13, 1988.

ES88-2, U.S. Public Health Service, amends ES84-3 and ES84-4,
Jan. 13, 1988.

ES88-3, Other Review and Consultation Requirements, Mar. 29, 1988.

ER73-2, Memorandum of Understanding Between U.S. Coast Guard and Federal
Highway Administration re Bridge Projects, Apr. 11, 1973.

ER74-2, Procedures for Reviewing Project and Environmental Reports
prepared by or for NON-Federal Agencies, Mar. 1, 1974.

ER75-2, Procedures for transmittal of review comments on proposals of the
Federal Highway Administration (FHWA), July 21, 1975.

ER75-3, Procedures for transmittal of review comments on proposals of the
Federal Highway Administration (FHWA), amends ER75-2, Aug. 15, 1975.

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ER77-2, Interim guidance on referrals to CEQ of proposed Federal actions found to be environmentally unsatisfactory, Sept. 7, 1977.

ER77-3, Transfer of Receipt and Filing of Comments on Environmental Statements from CEQ to EPA and Change in Number of Copies Required by EPA, Nov. 29, 1977.

ER80-2, Section 4(f) of the Department of Transportation Act, June 25, 1980.

ER83-2, Preliminary Natural Resources Surveys, Nov. 1, 1983.

ER85-2, Review of Applications to the Federal Energy Regulatory Commission (FERC), Dec. 5, 1985.

ER85-3, Interventions in Proceedings of the Federal Energy Regulatory Commission (FERC), supplements ER85-2, Dec. 6, 1985.

ER88-1, Memoranda in Effect, Jan. 13, 1988.

Bureau of Land Management Guidance and Reference Materials

BLM Manual Section 1790, National Environmental Policy Act of 1969 (MS 1790). This Manual sets forth BLM policies for complying with CEQ regulations (40 CFR 1500-1508) and Departmental guidance (516 DM 1-7) on implementing the National Environmental Policy Act of 1969.

BLM Handbook 1790-1, National Environmental Policy Act (H-1790-1). This Handbook provides guidance on how to comply with procedures established in the CEQ regulations (40 CFR 1500-1508) and Departmental guidance (516 DM 1-7) on implementing the National Environmental Policy Act of 1969.

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CONGRESSIONALLY EXEMPT ACTIONS

(reserved)

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CATEGORICALLY EXCLUDED ACTIONS

Part A - Departmental Categorical Exclusions (516 DM 2, Appendix 1).

"Chapter 2 - Appendix 1, Departmental Categorical Exclusions
The following actions are categorical exclusions (CX) pursuant to
516 DM 2.3A(2). However, environmental documents will be prepared for
individual actions within these CX if the exceptions listed in 516 DM 2,
Appendix 2, apply.

- 1.1 Personnel actions and investigations and personnel services contracts.
- 1.2 Internal organizational changes and facility and office reductions and closings.
- 1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.
- 1.4 Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, settlement, appeal or compliance.
- 1.5 Regulatory and enforcement actions, including inspections, assessments, administrative hearings and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.
- 1.6 Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g., limited size and magnitude or short-term effects.
- 1.8 Management, formulation, allocation, transfer and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)

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1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.

1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.

1.11 Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public."

Part B - BLM Categorical Exclusions (516 DM 6, Appendix 5).

(reserved pending revision)

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EXCEPTIONS TO CATEGORICAL EXCLUSION

The following exceptions apply to individual actions within categorical exclusions (516 DM 2, Appendix 2). Environmental documents must be prepared for actions which may:

<u>DM #</u>	<u>Exception</u>
2.1	Have significant adverse effects on public health or safety.
2.2	Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.
2.3	Have highly controversial environmental effects.
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
2.5	Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.
2.6	Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.
2.7	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
2.8	Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.
2.9	Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.
2.10	Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

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CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EA's and EIS's. If the resource or value is not present or is not affected by the proposed action or alternatives, this may be documented in the EA or EIS as a negative declaration. Consult program-specific guidance to determine if a negative declaration is required for certain actions.

<u>Element</u>	<u>Relevant Authority</u>	<u>BLM Manual</u>
Air Quality	The Clean Air Act as amended (42 USC 7401 et seq.)	MS 7300
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)	MS 1617
Cultural Resources	National Historic Preservation Act as amended (16 USC 470)	MS 8100
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.)	
Floodplains	E.O. 11988, as amended, Floodplain Management, 5/24/77	MS 7260
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC 1996)	MS 8100
Threatened or Endangered Species	Endangered Species Act of 1973 as amended (16 USC 1531)	MS 6840
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 USC 9615)	MS 9180 MS 9183
Water Quality Drinking/Ground	Safe Drinking Water Act as amended (42 USC 300f et seq.) Clean Water Act of 1977 (33 USC 1251 et seq.)	MS 7240 MS 9184
Wetlands/Riparian Zones	E.O. 11990, Protection of Wetlands, 5/24/77	MS 6740
Wild and Scenic Rivers	Wild and Scenic Rivers Act as amended (16 USC 1271)	MS 8014
Wilderness	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.) Wilderness Act of 1964 (16 USC 1131 et seq.)	MS 8500

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MAJOR ACTIONS NORMALLY REQUIRING AN EIS

(reserved pending revision)

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CONTRACTING GUIDANCE

A. BLM Contracting Procedures. If funding is available, the BLM may choose to contract for the preparation of a NEPA document. After going through proper competitive procurement procedures, the BLM would issue a contract to a qualified offeror. In competitive procurements, the BLM has complete control over the scope and content of the EA or EIS and is responsible for ensuring that the contractor remedies any defects or deficiencies. The contractor is required to perform in accordance with contract standards and reports directly to the BLM. See BLM Handbook H-1510-6 for detailed guidance on competitive procurement procedures. The following general guidance applies when the BLM awards a contract for the preparation of an EIS:

1. The BLM manager responsible for preparing the EIS appoints a project manager and a technical proposal evaluation committee (TPEC) to work with the Contracting Officer and to provide technical input into the selection of the contractor as well as oversight of the contract. The project manager and the technical review team are responsible for ensuring the document's adequacy, completeness, and accuracy (using a systematic interdisciplinary approach).
2. The project manager should be given adequate authority to represent the BLM with the contractor. This individual is usually termed the contracting officer's representative (COR). To provide continuity, the project manager should be the same person for the duration of the project.
3. The project manager informs the contractor of all applicable NEPA compliance requirements including CEQ regulations (40 CFR 1500-1508) and Departmental requirements (516 DM 1-7). All such requirements must be met, including public involvement requirements.
4. Contractors must execute a disclosure statement prepared by the BLM specifying that they have no financial or other interest in the outcome of the project (40 CFR 1506.5(c)).
5. Generally, before starting work on an EIS, the contractor and/or the BLM should develop a preparation plan or its equivalent. Much of the information for the preparation plan may have been incorporated into the statement of work or required to be part of the proposal.
6. The BLM is responsible for responding to comments received on the draft EIS. However, the contractor may be required to organize the comments and prepare responses for subsequent review and approval by the BLM.
7. The BLM must independently review the EIS prior to its acceptance and take responsibility for its scope and contents (40 CFR 1506.5(c)).
8. The BLM is responsible for preparing the record of decision (ROD).

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B. Third-Party Contracting Procedures. A third-party contract is an option when BLM cannot prepare a required NEPA analysis due to time, budget, or other limitations or when either the BLM or the applicant requests that the applicant hire a contractor to prepare the EA or EIS. It is called a third-party contract because the applicant for the proposal awards the contract, through proper procedures, for the preparation of the NEPA document for the BLM. No direct BLM funding is involved, however, in awarding the contract. By using the third party contracting approach, a contract can be awarded fairly quickly. However, a third party contractor can be less responsive to BLM direction and needs since it is under contract to the applicant rather than to the BLM. The following guidance applies to third-party contracting for an EIS.

1. The BLM develops a memorandum of understanding (MOU) between the BLM, the applicant and other cooperating agencies, if any, to establish roles and responsibilities and to address any cost reimbursement aspects of the project (see 43 CFR 2808.3-1, 2883.1-1 and BLM MS 1323). The MOU should provide for the BLM to actively administer the contract, i.e., to work directly with the contractor on NEPA related matters and provide technical guidance and direction in the preparation of the EIS. It is at this stage that determinations are made regarding the level and nature of BLM's involvement. For example, the MOU should indicate whether the BLM, the contractor, or a combination of the two will be responsible for conducting the scoping process. The MOU should identify the proposed schedule for the project and the BLM estimated cost schedule, by quarter. The draft MOU should be reviewed by the applicant and cooperating agencies, if any, and modified as necessary. The final MOU must be signed before further work is done on the project, particularly if this is a cost reimbursable project (see DM 516 4.3 B.). By signing the MOU, the applicant indicates their willingness to finance the NEPA portion of the project.

2. The BLM independently develops a statement of work for the EIS. The statement of work, together with the MOU, generally includes or expands upon the information normally found in an EIS preparation plan.) The BLM also develops the technical evaluation criteria for contractor selection. The applicant develops contract cost criteria and obtains contract proposals. The applicant may also perform an initial screening of proposals.

3. The BLM and applicant concurrently, but sometimes separately, evaluate the remaining proposals using the same technical evaluation criteria. Some general rules are: for a simple evaluation, use no more than three evaluators; for a complex evaluation, use four or more evaluators, or, if very complex, consider establishing an evaluation committee which can include cooperating agencies team members as appropriate. The BLM focuses its evaluation upon the technical, managerial, and personnel portions of submitted proposals. The applicant primarily focuses its evaluation upon the costs.

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4. After the evaluations are completed, the applicant recommends their preferred contractor for the project to BLM. The BLM, however, must select the contractor (40 CFR 1506.5(c)). The BLM then informs the applicant, in writing, of their selection. Occasionally, the applicant's selection process arrives at a different contractor than BLM's. If so, a compromise should be worked out. It is to the applicant's benefit in the long run to meet BLM's quality needs since BLM is ultimately responsible for the contents, completeness, and accuracy of the NEPA document. However, since the applicant is footing the bill for the project, the BLM needs to be sensitive to the estimated costs and the applicants concerns with such. The BLM, however, must make the final decision.

5. The contractor must execute a disclosure statement prepared by the BLM specifying that they do not have any interest, financial or otherwise, in the outcome of the project prior to the applicant awarding the contract (see 40 CFR 1506.5(c), and Federal Register, Vol. 48, Number 146, July 28, 1983, page 34266). The BLM must keep this statement on file throughout the life of the project.

6. The applicant finalizes and awards the contract.

7. The applicant can also be given permission to print the NEPA document.

8. The BLM tracks and monitors the actual BLM costs on a monthly basis, using Form 1323-1 (June, 1983), Reimbursable Project Log.

9. The BLM is responsible for responding to comments received on the draft EIS. However, the contractor may be required to organize the comments and prepare responses for subsequent review and approval by the BLM.

10. The BLM must independently review the EIS prior to its acceptance and take responsibility for its scope and contents (40 CFR 1506.5(c)).

11. The BLM is responsible for preparing the ROD.

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STANDARD DISTRIBUTION FOR EIS's

Environmental Protection Agency (EPA). Five copies of all draft, final, and supplemental EIS's must be sent to the EPA when filing the EIS (see Chapter VIII).

Office of Environmental Project Review (OEPR). Five copies of all draft, final and, supplemental EIS's must be sent to OEPR in the Department of the Interior when filing an EIS (see Chapter VIII).

Office of Public Affairs. One copy of all draft, final, and supplemental EIS's must be sent to the Office of Public Affairs in the Department of the Interior.

Natural Resources Library. Three copies of all draft, final, and supplemental EIS's must be sent to the Natural Resources Library in the Department of the Interior.

BLM Director. Copies of draft, final, and supplemental EIS's must be provided to the BLM Director in accordance with guidance issued by the lead program office (consult program specific guidance or other instructions as appropriate).

Federal and Federal-State Agencies. CEQ requires that agencies obtain comments of any Federal agency which has jurisdiction by law or special expertise on environmental quality issues addressed in an EIS. Appendix II to the CEQ regulations (40 CFR Parts 1500-1508) identifies Federal and Federal-State Agencies with jurisdiction by law or special expertise and should be used to determine which agencies must or should be asked to comment on BLM's EIS's. Appendix III to the CEQ regulations identifies the location of Federal and Federal-State agency offices for receiving and commenting on other agencies' environmental documents. Also see PEP-Environmental Statement Memoranda No. ES74-5, ES78-2 and ES84-4.

State and Local Agencies. CEQ requires that agencies request the comments of appropriate State and local agencies authorized to develop and enforce environmental standards. Comments from State agencies should be requested through procedures established by the Governor pursuant to E.O. 12372, and may be requested from local agencies through these procedures to the extent that they include the affected local jurisdictions (516 DM 4.16A). Also see 511 DM, PEP-Environmental Statement Memoranda No. ES76-2 and ES81-6.

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Indian Tribes. CEQ requires that agencies request comments of Indian tribes when the effects may be on a reservation. Comments must be requested from the Indian tribe through the tribal governing body, unless the tribal governing body has designated an alternate process (516 DM 4.16B).

Applicant. CEQ requires that agencies request comments from the applicant, if any.

Public. CEQ requires that agencies request comments from the public, including persons or organizations who are interested or affected.

Federal Agencies Who Have Requested Receiving Copies of EIS's. The CEQ requires that agencies request comments of any agency which has requested that it receive statements on actions of the kind proposed, regardless of whether or not the requesting agency has jurisdiction by law or special expertise. Agencies that have requested copies of BLM EIS's are listed below:

<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
INTERIOR AGENCIES		
Bureau of Mines:		
Branch of Mineral Assessment Bureau of Mines MS-5050, Rm. 819 Department of the Interior Washington D.C. 20240	All EIS's	2
Alaska Field Operations Bureau of Mines MS-5050, Rm. 819 Department of the Interior Washington, D.C. 20240	All EIS's in Alaska	1
Western Field Oper. Center Bureau of Mines, MS-5100 E. 363rd Avenue Spokane, Washington 99202	All EIS's in the States of WA, OR, MT, ID, NV CA, HI, GU	1
Intermountain Field Oper. Center Bureau of Mines, MS-5090 P.O. Box 25086, Bldg. 20 Denver Service Center Denver, Colorado 80225	All EIS's in the States of WY, UT, ND, SD, NE, OK, TX, IA, MN, AR, KS, NM, AZ, MO, LA, IL, AL, FL, MS, GA, OH, IN, ME, PA, VT, NY, WV, VA, RI, NJ, TN, DE, TN, WI, KY, MD, NC, SC	1

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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
Bureau of Reclamation:		
Bureau of Reclamation Denver Federal Center (D-150) Building 67 P.O. Box 2507 Denver, Colorado 80225-0007	All EIS's	2
Fish and Wildlife Service:		
Chief, Division of Environmental Coordination Fish and Wildlife Service Department of the Interior Washington, D.C. 20240	All EIS's	3
Minerals Management Service:		
Offshore Environmental Assessment Division Minerals Management Service Department of the Interior Washington, D.C. 20240	All EIS's	3
National Park Service:		
Division of Environmental Compliance (762) National Park Service Department of the Interior Washington, D. C. 20240	All EIS's *(Note: If a National Park or two or more NPS Regional Offices are involved, 5 copies are needed.)	4*
Office of Surface Mining:		
Chief, Division of Environmental and Economic Analysis Interior Building South, Rm. 134 Office of Surface Mining Department of the Interior Washington, D.C. 20240	Coal and Coal Management only	3

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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
U.S. Geological Survey:		
Environmental Affairs Program U.S. Geological Survey National Center (423) Department of the Interior Reston, Virginia 22092	All EIS's	3
OTHER AGENCIES		
Agriculture:		
Office of Environmental Coord. P.O. Box 2417 - Rm. South Bldg. Forest Service - 1204 Department of Agriculture Washington, D.C. 20013	National Forest only; each Forest involved	1
Defense, Air Force:		
Office of Deputy A/S of the USAF Environment, Safety, Occupational Health SAF/RQ Room 4C916, Pentagon Washington, D.C. 20330-0001	All EIS's	1
HQ-USAF/LEEV Environmental Division Bolling AFB, Bldg. 516 Washington, D.C. 20330-5000	All EIS's	2
Defense, U.S. Army Corps of Engineers (see attached Division location map):		
Chief, Planning Division Lower Mississippi Valley Division P.O. Box 80 Vicksburg, Mississippi 39180	All EIS's in Lower Mississippi Valley Division	2
Chief, Planning Division Missouri River Division P.O. Box 103 Downtown Station Omaha, Nebraska 68101	All EIS's in Missouri River Division	2

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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
Defense, U.S. Army Corps of Engineers (continued):		
Chief, Planning Division New England Division Army Corps of Engineers 424 Trapelo Road Waltham, Mass. 02254	All EIS's in New England Division	2
Chief, Planning Division North Central Division Army Corps of Engineers 536 South Clark Street Chicago, Illinois 60605	All EIS's in North Central Division	2
Chief, Planning Division North Atlantic Division Army Corps of Engineers 90 Church Street New York, NY 10007	All EIS's in North Atlantic Division	2
Chief, Planning Division North Pacific Division Army Corps of Engineers P.O. Box 2870 Portland, OR 97208	All EIS's in North Pacific Division	2
Chief, Planning Division Ohio River Division Army Corp of Engineers P.O. Box 1159 Cincinnati, Ohio 45201	All EIS's in Ohio River Division	2
Chief, Planning Division South Atlantic Division Army Corp of Engineers 510 Title Building 30 Pryor Street, S.W. Atlanta, GA 30303	All EIS's in South Atlantic Division	2
Chief, Planning Division Southwestern Division Army Corps of Engineers 1114 Commerce Street Dallas, Texas 75242	All EIS's in Southwestern Division	2

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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
Defense, U.S. Army Corps of Engineers (continued):		
Chief, Planning Division Pacific Ocean Division Army Corps of Engineers Honolulu District Building 230 Ft. Shafter, Hawaii 96858	All EIS's in Pacific Ocean Division	2
Chief, Planning Division South Pacific Division Army Corps of Engineers 630 Sansome Street, Rm. 1216 San Francisco, California 94111	All EIS's in South Pacific Division	2
Energy:		
Office of Environmental Compliance (EH-23) 1000 Independence Avenue, S.W. Department of Energy Washington, D.C. 20585	All EIS's	2
Transportation:		
Office of Environmental Policy (HEV-1) 400 Seventh Street, S.W. Federal Highway Administration Washington, D.C. 20590	Transportation-related EIS's	2
Environmental Division Office of Transportation and Regulatory Affairs Rm. 9217 Department of Transportation Washington, D.C. 20590	Transportation-related EIS's	2

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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
Environmental Protection Agency:		
Office of Federal Activities Environmental Protection Agency 401 M Street, S.W. Washington, D.C. 20460	EIS's involving national programs and legislative activities involving 2 or more EPA regions *(Note: These copies are in addition to the 5 submitted when filing.)	3*
Environmental Review Coordinator EPA Region I J.F.K. Building Boston, MA 02203	EIS's in MA, RI, NH, VT, CT, ME	1
Environmental Review Coordinator E.P.A. Region II 26 Federal Plaza New York, NY 10278	EIS's in NY, NJ, Virgin Islands, Puerto Rico	1
Environmental Review Coordinator EPA Region II 841 Chestnut Street Philadelphia, PA 19106	EIS's in DE, MD, DC, PA, VA, WV	1
Environmental Review Coordinator EPA Region IV 345 Courtland Street NE Atlanta, GA 30365	EIS's in AL, FL, GA, KY, NC, SC, MS, TN	1
Environmental Review Coordinator EPA Region V 230 South Dearborn Street Chicago, IL 60604	EIS's in IL, MI, WI, MN, OH, IN	1
Environmental Review Coordinator EPA Region VI 1201 Elm Street Dallas, TX 75270	EIS's in AR, N.W., TX, OK, LA	1
Environmental Review Coordinator EPA Region VII 726 Minnesota Avenue Kansas City, KS 66101	EIS's in IA, MO, KS, NE	1

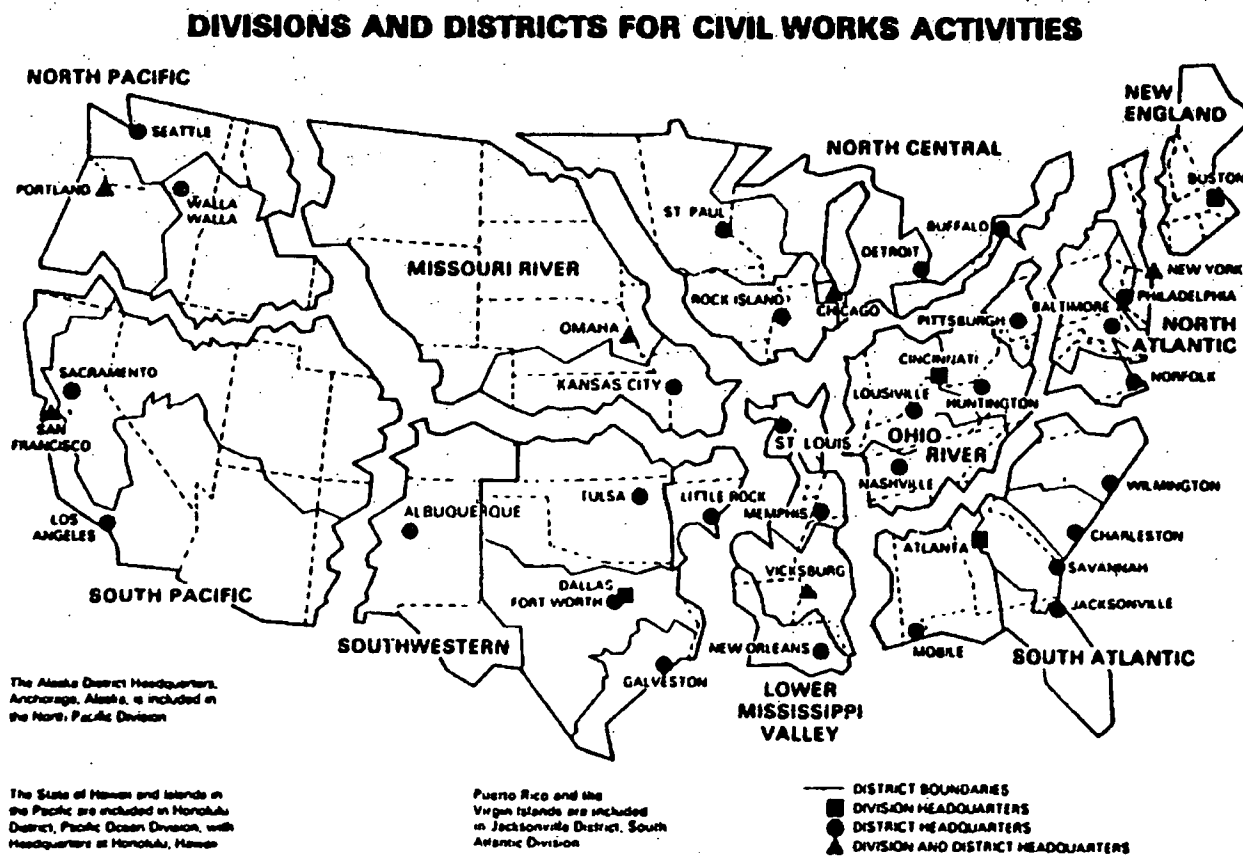
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<u>Name/Mailing Address</u>	<u>What Documents</u>	<u># of Copies</u>
Environmental Protection Agency (continued):		
Environmental Review Coordinator EPA Region VIII 999 18th St Suite 1300 Denver, CO 80202-2413	EIS's in CO, MT, ND, SD, UT, WY	1
Environmental Review Coordinator EPA Region IX 215 Fremont Street San Francisco, CA 94105	EIS's in AZ, CA, GU, HI, NV, American Samoa, Trust Terr. of Pacific Islands, Wake Island	1
Environmental Review Coordinator EPA Region X 1200 Sixth Ave Seattle, WA 98101	EIS's in AK, ID, OR, WA	1
Federal Energy Regulatory Commission:		
Division of Environ. Analysis Hydro Power Licensing RC - 93 Rm 308-F Federal Energy Regulatory Commission 400 1st Street N.W. Washington, D.C. 20246	Hydroelectric-related EIS's	2

DAEN-PAI
March 83

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Defense, U.S. Army Corps of Engineers
Divisions and Districts

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AREAS FOR WHICH BLM HAS LEGAL JURISDICTION BY LAW OR SPECIAL EXPERTISE

CEQ has identified BLM as having either legal jurisdiction by law or special expertise for the following (excerpted from Federal Register, vol. 49, no. 247, 12/21/84):

I. POLLUTION CONTROL

A. AIR QUALITY

- o Effects of air pollution, including smoke from forest fires and prescribed burning on public lands, vegetation and visibility.

B. WATER QUALITY

- o Water quality on public lands:
 - permits and leases for facilities to control/reduce water pollution. (43 USC 1732(b) and 1761(a)(1)) 43 CFR Part 2800.

C. WASTE DISPOSAL

- o Effects of solid wastes on public lands:
 - sale or lease of land for solid waste disposal sites. 43 USC 859 et seq. (sale-43 CFR Part 2740; lease-43 CFR Part 2912).

D. NOISE

- o Noise effects on public lands; noise abatement; and noise control.

E. RADIATION

- o Effects of radiation on public lands:
 - withdrawal of public lands for deep-burial depositories for radioactive waste. 43 USC 1714 (43 CFR Part 2300, et.seq.)

F. HAZARDOUS SUBSTANCES

- (1) Toxic Explosive, and Flammable Materials.
 - o Toxic materials on public lands.
- (2) Food Additives and Contamination of Food
 - o None
- (3) Pesticides
 - o Pesticide use on public lands.

II. ENERGY

A. ELECTRIC POWER (Development, Generation, Transmission, and Use)

- o Power development on public lands:
 - Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701. et.seq. (43 CFR Parts 2800-2887.)
 - Exchange of Federal lands to facilitate energy development. 43 USC 1716 (43 CFR parts 2200-2270.)

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B. OIL AND GAS (Development, Extraction, Refining, Transport and Use)

o Oil and gas development on public lands:

- Leases for oil and gas deposits;
 - (a) Public domain lands. 30 USC 181 et.seq; 43 CFR Parts 3100, et seq., and 3160
 - (b) Acquired lands. 30 USC 357-359; 43 CFR Parts 3100, et seq., and 3160
 - (c) In and under railroad and other rights-of-way acquired under laws of the United States. 30 USC 301-306; 43 CFR Part 3100
- Leases and land exchanges for oil shale, native asphalt, soil and semisolid bitumen and bituminous rock. For leases - 30 USC 241; (43 CFR Part 3500; for exchanges - 43 USC 1716; 43 CFR Parts 2200-2270
- Easements/permits for oil and gas pipeline rights-of-way. 30 USC 185 and 43 USC 1701, et.seq.; 43 CFR Parts 2800-2887
- Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
- Disposal of government royalty oil (non-OCS oil). 30 USC 189, 192, and 359; 30 CFR Part 208
- Exchange of non-OCS Federal lands with oil and gas deposits. 43 USC 1716; 43 CFR Parts 2200-2207

C. COAL (Development, Mining, Conversion, Processing, Transport and Use)

o Coal development on public lands:

- Exploration licenses for coal deposits on unleased lands. 30 USC 181 and 201(b); 43 CFR Part 3400
- Leases/permits for recovery of coal deposits. 30 USC 181, et seq., 201b and 202a, 43 USC 1701, et seq.; 43 CFR Parts 3400 and 3480
- Easements/lease/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
- Permits to mine coal for domestic needs. 30 USC 208; 43 CFR Part 3440
- Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701, et seq.; 43 CFR Parts 2800-2887
- Exchange of Federal lands with coal or uranium deposits. 43 USC 1716; 43 CFR Parts 2200-2270

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D. URANIUM (Exploration, Mining, Transport and Use)

o Uranium on public lands:

- Exchange of Federal lands with coal or uranium deposits. 43 USC 1716; 43 CFR Parts 2200-2270
- Leases for uranium exploration and mining. 30 USC 181, 351-359 and 1201, et seq.; 43 CFR Parts 3500-3800
- Approval of plan of operations in connection with uranium leases. 30 USC 22, et seq., 30 USC 181, et seq., and 43 USC 1701, et seq.; 43 CFR Parts 3570 and 3802
- Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
- Exploration licenses to explore for uranium and other leasable minerals on unleased lands. 30 USC 181, et seq., and 201(b); 43 CFR Parts 3400 and 3480
- Leases, permits and licenses for mining in Wild and Scenic River System area. 16 USC 1280 (each area has special Federal Regulations)
- Concurrence for mining use of public lands withdrawn or reserved for power development or for a power site. 30 USC 621; 43 CFR Part 3730
- Easements/permits for rights-of-way. 30 USC 185 and re USC 1701, et seq.; 43 CFR Parts 2800-2900

E. GEOTHERMAL RESOURCES (Development, Transmission and Use)

o Geothermal development on public lands:

- Permits for geothermal resources exploration. 30 USC 1023; 43 CFR Part 3260
- Leases for geothermal resources recovery. 30 USC 1001-1025; 43 CFR Parts 3200-3250, 3260, and 3280
- Licenses for geothermal powerplants. 30 USC 1001-1025; 43 CFR Part 3250
- Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapter 2000 and 3000
- Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701, et seq.; 43 CFR Parts 2800-2900

F. OTHER ENERGY SOURCES-SOLAR, WIND, BIOMASS, etc. (Development and Use)

o Alternative energy development on public lands:

- Licenses for synthetic liquid fuel facilities. 30 USC 323
- Solar energy facility siting. 43 USC 1761

G. ENERGY CONSERVATION

o Energy conservation on public lands.

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III. LAND USE

A. LAND USE PLANNING, REGULATION, AND DEVELOPMENT

o Effects of land uses on public lands:

- Jurisdiction responsibilities on Federal lands administered by the Bureau of Land Management. See Part III.B-Federal Land Management.

B. FEDERAL LAND MANAGEMENT

o Management of Federal lands:

- Easements/permits for rights-of-way. 43 USC 9 and 1701, et seq.; 43 CFR Parts 2800-2900
- Special land-use permits for habitation, occupation and other purposes. 43 USC 1732(b); 43 CFR Part 2920
- Conditions and standards for off-road vehicle use on BLM lands. 43 USC 1201, E.O. 11644; 43 CFR Part 8340
- Permits for off-road vehicular use special events, i.e., tours and competitions. 43 USC 1701, et seq., and 16 USC 460(1-6a); 43 CFR Part 8372
- Exchange of Federal lands for other property. 43 USC 1716; 43 CFR Parts 2200-2700
- Leases/transfers of public lands for a public airport. 43 USC 1201 and 49 USC 1115; 43 CFR Part 2640
- Sales/leases of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 809, et seq., for sales - 43 CFR Part 2740; for leases - 43 CFR Part 2912)
- Permits for commercial recreational use of public lands. 43 USC 1701, et seq.; 43 CFR Part 8370

C. COASTAL AREAS

o Public land management in coastal areas.

D. ENVIRONMENTALLY SENSITIVE AREAS (Wilderness Areas, Wild and Scenic Rivers, Floodplains [see Executive Order 11988], Wetlands [see Executive Order 11990], Barrier Islands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, Tundra, etc.)

o Environmentally sensitive areas on public lands; management of special areas:

- Leases, permits and licenses for mining in Wild and Scenic Rivers System areas. 16 USC 1280 [each area has special Federal Regulations]
- Approval of plan of operations for a mining lease in a wilderness study area. 43 USC 1701, et seq., and 1780, 12 USC 1201, et seq.; 43 CFR Part 3800

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- Permits for use of a designated "special area" as defined in 43 CFR Part 8372.0-5(g), 43 USC 1701, et seq., 16 USC 460 (1-6a) and 670 (g-n); 43 CFR Part 8370, et seq.
- Restrictions on use of "outstanding natural areas" and "primitive areas." 43 USC 1701, et seq.; 43 CFR Subpart 8352

E. OUTDOOR RECREATION

o Outdoor recreation on public lands generally, including ORV use and river management:

- Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 869, et seq.; [for sales - 43 CFR Part 2740; for leases - 43 CFR Part 2912]
- Conditions and standards for off-road vehicle use on BLM lands. 43 USC 1201; E.O. 11644; 43 CFR Part 8340
- Permits for off-road vehicular use special events, i.e., tours and competitions. 43 USC 1701, et seq., and 16 USC 460 (1-6a); 43 CFR Part 88372
- Permits for use of a national trail developed facility and a designated "special area" as defined in 43 CFR Part 8372.0-5(g); 43 USC 1701, et seq., 16 USC 460 (1-6a) and 670 (g-n); 43 CFR Part 8370
- Permits for commercial recreation use of public lands. 43 USC 1701, et seq.; 43 CFR Part 8370

F. COMMUNITY DEVELOPMENT

o Community developments on public lands:

- Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 889, et seq., [for sales - 43 CFR Part 2740, for leases - 43 CFR Part 2912]
- Leases/transfers of public lands for a public airport. 49 USC 1115; 43 CFR Part 2640
- Exchange of Federal lands for other property. 43 USC 1716; 43 CFR Part 2200-2270

G. HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL RESOURCES

o Cultural resource management on public lands:

- Concurrence for issuance and supervision of antiquity permits. 16 USC 432; 43 CFR Part 3; also see 16 USC aa-11; 43 CFR Part 7

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IV. NATURAL RESOURCE MANAGEMENT

- A. WEATHER MODIFICATION
 - o Effects of weather modification on public lands.
- B. MARINE RESOURCES (None)
- C. WATER RESOURCES DEVELOPMENT AND REGULATION
 - o Effects of water resource developments on public lands:
 - Permits, leases, and easements for water control projects. 43 USC 1732(b) and 1761(a)(1); 43 CFR Part 2800
- D. WATERSHED PROTECTION AND SOIL CONSERVATION
 - o Watershed protection and soil conservation on public lands.
- E. FOREST, RANGE, AND VEGETATIVE RESOURCES (includes Development, Production, Harvest and Transport of these Renewable Resources)
 - o Forest, range and vegetative resources on public lands:
 - Permits for use of rangelands. 43 USC 315; 43 CFR Group 4100
 - Sale by contract of timber and other forest products. 30 USC 601, et seq., 43 USC 315, 423, and 118(a); 43 CFR Group 5400
 - Permits for free use of timber. 16 USC 604, et seq., 30 USC 189, 48 USC 423; 43 CFR Part 5510
 - Management and control of wild free-roaming horse and burros and agreements for their adoption. 16 USC 1331-1340; 43 CFR Group 4700
- F. FISH AND WILDLIFE
 - o Fish and wildlife management on public lands, wild horses and burros, endangered species and raptors, effects on fish and wildlife of power lines and other major projects crossing public lands:
 - Management and disposal of wild free-roaming horse and burros. 16 USC 133-1340; 43 CFR Part 4700
- G. NON-ENERGY MINERAL RESOURCES
 - o Mineral development on public lands
 - Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
 - Exploration licenses for leaseable minerals on unleased land. 30 USC 181, et seq, and 201(b); 43 CFR Parts 3400 and 3480
 - Leases for phosphate, sodium, potassium, etc., exploration and mining. 30 USC 181, et seq.; 43 CFR Group 3500 and Part 3570

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- Permits for sand, stone and gravel. 30 USC 601 and 602
- Leases, permits and licenses for mining in Wild and Scenic River System areas. 18 USC 1280 (each area has special Federal Regulations)
- Concurrence for placer mining use of the surface of public lands withdrawn or reserved for power development or for a power site. 30 USC 621; 43 CFR Part 3780
- Leases and permits for sulfur in Louisiana and New Mexico. 30 USC 271, et seq.; 43 CFR Group 3500
- Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701, et seq.; 43 CFR Parts 2800-2887

H. NATURAL RESOURCE CONSERVATION

- o Conservation on public lands.

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INDEX

This index provides cross references for the BLM NEPA Handbook, the Departmental Manual, and the CEQ regulations. Primary references in the BLM NEPA Handbook are shown in bold face.

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Adoption of Environmental Documents	III-E.4, III-E.5	1.5C(3), 3.6	1500.4(n), 1500.3(h) 1506.3
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